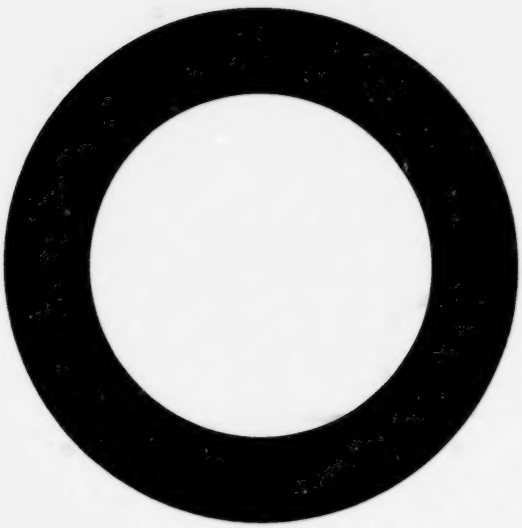

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# Convention on the Elimination of All Forms of Discrimination against Women

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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
(CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Fifth periodic report of States parties

NICARAGUA*

* The present document is being issued without formal editing.

For the initial report submitted by the Government of Nicaragua, see CEDAW/C/5/Add.55, considered by the Committee at its eighth session. For the second report, see CEDAW/C/13/Add.20, considered by the Committee at its twelfth session. For the third report, see CEDAW/C/NIC/3, also considered by the Committee at its twelfth session. For the fourth report, see CEDAW/C/NIC/4.

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# PART 1

## INTRODUCTION

The Government of Nicaragua, as a State party to the Convention on the Elimination of All Forms of Discrimination against Women (having ratified the Convention in 1981), and in fulfilment of the country's obligations as a signatory State, hereby presents to the Secretary General its fifth report, covering the period 1995-1998.

This report presents a summary of the measures adopted in the constitutional, legislative and administrative context with a view to gradually eliminating discrimination within the family, and thereby guaranteeing the rights of Nicaraguan women in all phases of their lives.

This document also acknowledges the difficulties and limitations that have prevented the country from achieving more rapid fulfilment of the commitments it made as a State party to the Convention. The situation of women is, nevertheless, analysed in the light of statistical data, and this will help the Government make the necessary changes for the benefit of women.

We have not, however, been able to follow precisely the guidelines provided with respect to the formulation of this report, since in some cases it is difficult to obtain indicators broken down by gender. Some State institutions do not yet have the necessary resources to document differences related to gender and obstacles to the achievement of equality.

The report describes the efforts being made and the actions being implemented to improve the situation with regard to women's rights in Nicaragua.

Nicaraguan law has taken up Accords and Treaties that derive from international declarations and are now part of the country's constitutional law, but there are other such Accords and Treaties that fall under statutory law.

In Nicaragua, to talk about human rights is also to refer to women's rights. Human rights are the rightful patrimony of all human beings, and Governments must therefore work to ensure their promotion and protection in all areas of society.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) represented the first major step in the recognition of social rights. For this reason, it is considered the Magna Carta of women's rights. CEDAW is the broadest and most comprehensive accord ever reached, since it brings together all women's rights accords and treaties agreed at an international level.

CEDAW is also important because it helps to define women's human rights in terms of the different areas:

- Civil rights
- Social rights
- Cultural rights

Because CEDAW recognized that the least developed area in this respect was the social area, it stipulated that women should have access to better education, health, and jobs. With regard to the three aforementioned areas, CEDAW recognizes that women must enjoy equal access to opportunities with respect to:

- Public-sector jobs
- Own resources
- Health
- Education
- Employment

This means that women must not be discriminated against in the above areas, and also that motherhood must be a woman's free choice.

CEDAW requires that States parties assume the responsibility of ensuring that women's human rights become effective. It also offers recommendations and comments on the various aspects of violence against women and the actions that the State must take to prevent such violence.

The Convention was ratified in Nicaragua in 1981, two years after it was adopted by the United Nations General Assembly. Since its ratification, the role of women has made some advances, considered in the light of the country's overall development.

Our country's legislation has achieved progress for Nicaraguan women, although there are still some legal provisions that discriminate against women.

Recognizing women's rights as an integral part of human rights in the international context, and aware that women represent more than 50 per cent of the country's total population, the Government has pledged to achieve overall security, job security, the elimination of poverty, and the participation of women in the country's development.

Furthermore, the Nicaraguan Institute for Women (INIM), as a Government entity and as the authority charged with the direction of all related activities, works to ensure that women enjoy all the rights set out in the Convention.

## GENERAL CHARACTERISTICS

### Country and population indicators

Nicaragua lies in Central America. The largest of the six countries that make up the Central American isthmus, it is situated in the central region, bordered to the north by Honduras, to the north-east by El Salvador (across the Gulf of Fonseca), to the south by Costa Rica, to the east by the Atlantic Ocean, and to the west by the Pacific Ocean.

The national territory is divided into three large natural regions, with their own individual features: the Pacific Region, the Central Region, and the

Atlantic Region. The latter region is the largest of the three. It accounts for 56 per cent of the territory and has the lowest population density (5 inhab./Km$^2$). In contrast, the Central Region accounts for 28.7 per cent of the territory, and has a population density of between 73 and 181 inhab./Km$^2$.

The Atlantic region has a hot, humid tropical climate, and comprises a broad plain, relieved by a few elevated areas to the south (the product of the Amerrisque mountain range located in the Central Region). Most of the country's major rivers flow out through this region.

The Pacific Region accounts for 15.3 per cent of the national territory, and 50 per cent of the country's most fertile soil. A dry, volcanic, lake region, it is the most densely populated area of the country, with an average of 358-64 inhab./Km$^2$. This region also includes the country's two biggest lakes, Lake Xolotlán and Lake Cocibolca (which boasts the world's only freshwater sharks). The Pacific Region has a hot, dry climate, and its elevations range between 0 and 500 metres above sea level.

The Pacific Region also comprises the country's major cities, including the capital, Managua. This region contributes 79 per cent of Nicaragua's Gross Domestic Product (GDP) and accounts for more than 60 per cent of its agricultural production.

The territory of Nicaragua (including the two aforementioned lakes) covers an area of 139,000 Km$^2$. In 1998, the population density stood at 39.9 inhab./Km$^2$.

The nature and beauty of the country reside in its magnificent lakes, lagoons and numerous volcanoes. The attraction of the capital city, Managua, lies in its many lagoons, such as those of Tiscapa, Nejapa and Asososca.

Nicaragua has a population of 4,764,400, of whom 2,353,700 are men and 2,422,700 (50.85 per cent) are women.[1] The ratio of men to women is 97.2 : 100. This ratio has remained steady over the past four years.

According to the Nicaraguan Institute of Statistics and Censuses (INEC), there are a number of reasons for this male-to-female ratio. The main factor, however, is the impact of migratory movements, which always have a greater negative influence on the number of men (although in this respect it should be added that a new phenomenon has been observed over recent years - namely, the migration of adolescent women).

The largest percentage of the population is concentrated in the Pacific Coast Departments, which account for 56.6 per cent of the total population. The Central Region and the north are home to 31.1 per cent of the country's total population. The population in this area is predominately rural, with only 34.7 per cent living in urban areas.

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[1] INEC, 6th National Population Census and 3rd National Housing Census, 1995 Census Summary, pp. 10-11.

With regard to the sectors in which people live, data from the International Foundation for Global Economic Development (FIDEG) indicate that the urban sector accounts for the larger percentage of the population, with 56.4 per cent of the total. The remainder live in rural areas. Of the total male population, 54.5 per cent live in the city. Similarly, 58.2 per cent of the female population live in the urban sector.

One striking feature about Nicaragua's population is that it is primarily made up of young people and adolescents. In 1995, the over-15 age group made up over 54.9 per cent of the population, while the under-15 age group accounted for 45.1 per cent. There were 1,138,595 children, representing 26.5 per cent of the total population.[2] Women account for a high percentage of young people and adolescents aged 10 to 19, making up 51.66 per cent of the total population for this age group.

Of the total population aged under 15, 50.4 per cent are women.[2] Those older than 15 and younger than 40 make up 39.7 per cent of the total, and 53.4 per cent of this age group are women. Those older than 40 and younger than 75 make up 16.4 per cent of the total, and 52.6 per cent of this age group are women.

The population of Nicaragua is naturally multi-ethnic. The majority of the people are of mixed race, while whites make up 15 per cent, and blacks 10 per cent. On the Atlantic Coast there are various ethnic groups, including the Miskito, the Sumu, the Creoles, etc. In the Pacific Region, there remain indigenous communities that preserve the customs and traditions of ancient tribes that lived in the region. These include:

- The Monimbó, in the Masaya Department;
- The Xalteva, in Granada;
- The Subtiava, in León.

Socio-economic indicators

Five years ago, the country's main economic activity was farming. Now, however, the economy is notable for its significant potential for the development of forestry-related activities.

Despite the fact that Nicaragua has always enjoyed an abundance of natural resources and potential for development, its possibilities and aspirations have long been frustrated by violence and by natural disasters.

With regard to Nicaragua's macroeconomic environment, over recent years, the country's economy has suffered a progressive decline in its major economic indicators. This decline is illustrated in the second volume of the report "Characterization of poverty," produced by the Ministry for Social Action (MAS).

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[2] Statistics taken from FIDEG and INEC documents, 1996.

According to MAS data, in 1995 the working-age population represented 40 per cent of the total population, and the Economically Active Population (EAP) represented 41 per cent of that 40 per cent. This is the lowest level among all the countries of Central America.

As far as gender differences were concerned, women represented just 18.3 per cent of the country's total EAP. Whereas the female EAP represented 52.3 per cent of all the nation's working-age women, the male EAP was higher, accounting for 64.4 per cent of the nation's male working-age population. These low levels for women workers were also reflected in rural areas, where women represented just 22.2 per cent of the total EAP.

Wage earners make up the largest sector among the nation's EAP, at 51.3 per cent of the total. The next-largest sector is that for own-account workers, at 34.3 per cent of the total. Urban workers account for less of the EAP than rural workers, due to the economic crisis afflicting the country.

With respect to the EAP, we find that of the total population of 4.3 million, more than 40 per cent are of working age, and that women represent 18.3 per cent of that 40 per cent. According to the Ministry of Labour, Nicaragua's open unemployment rate stood at 41.6 per cent in 1996.

Nicaragua has the lowest income per capita in Central America, at $425 per annum (UNDP, 1994). With respect to the United Nations' Human Development Index, the criteria for which are life expectancy, level of education, and income per capita, Nicaragua stood in 109th place in 1995 and fell to 117th place in 1996.

Overview of major health sector indexes[3]

Although demand for health services has increased in Nicaragua over the last four years, the global mortality rate has fallen over the last five years. For the period 1980-85, the rate was 9.7. For 1990-1995, the mortality rate improved significantly, falling to 6.6. This is shown by the following table of health indicators.

Main health indicators for Nicaragua 1980-1995

| Indicator | 1980-1985 | 1985-1990 | 1990-1995 |
|---|---|---|---|
| Global mortality (per 1,000) | 9.7 | 7.9 | 6.6 |
| Life expectancy | 59.8 | 63.3 | 66.2 |
| Infant mortality (per 1,000 live births) | 76.4 | 61.7 | 53.0 |

Source: INEC/IPALCA - PAHO/WHO.

[3] Statistics taken from "Characterization of poverty," pp. 181-183, MAS, 1996.

The rate of 53 infant deaths per 1,000 live births is high for Central America. The lowest rate is that of Costa Rica, at 12 deaths per thousand. As can be seen from the above table, the infant mortality rate continues to fall only slowly. Indeed, the Ministry of Health has officially stated: "we do not expect to attain an infant mortality rate of 30 per 1,000 by the end of the 20th century."[4] According to the 1998 Demographic and Health Survey (ENDESA), the rate fell to 40 deaths per thousand in 1998.

According to ENDESA 1998, the infant mortality rate has fallen considerably over recent decades: "and it is to be hoped that it will fall still further, if we can control birth-related risk factors linked to current reproduction patterns. This will require the expansion of health and family planning services to mothers who already have 3 children, especially women having children at intervals of less than 24 months. Similarly, it will also be necessary to strength the idea of family planning as a basic component of public health".

Immunization rates against childhood diseases are high, but rates for complete vaccination are low among certain sectors of the population, and where second and third doses are required, the level of follow-up is inadequate.

According to ENDESA 1998, the gross mortality rate fell from 6.6 deaths per 1,000 live births in 1995 to 6 deaths per 1,000 in 1998.

Life expectancy

| Indicators | 1980 | 1985 | 1993 |
|---|---|---|---|
| Life expectancy at birth | 59.8 | 63.2 | 66.2 |
| Women | 59.8 | 63.2 | 66.2 |
| Men | 58.6 | 61.9 | 64.8 |

Source: Ministry of Health, Department of Vital Statistics, April 1994.

The above table indicates that the level of life expectancy at birth is higher for women than for men. It also shows, however, that the level rose for both men and women over the period under consideration. According to figures from the Central Bank, life expectancy among the population overall was 67 years in 1995. According to ENDESA 1998, it stood at 66 years in 1998.

Maternal mortality

In this respect, official estimates are disturbing, indicating high levels of maternal mortality. The estimates show that in 1995 the maternal mortality rate stood at 159 deaths per 100,000 live births. The major causes of death are the following: post-partum haemorrhage, pregnancy toxaemia, abortion, and

[4] This rate is among the goals of Health for all in the year 2000 and among the goals set by the World Summit for Children.

infections. The age groups most affected are the under-18 age group and the over-35 age group.

Fertility

Nicaragua has one of the highest fertility rates in Latin America. The fertility rate stood at 5.9 children per woman in 1980, and fell to 5.5 in 1990, 4.8 in 1993, and 3.9 in 1998. These figures are based on the number of live births to women aged between 15 and 49 during the five years prior to the survey (roughly speaking, 1993-1998). The average number of live births to women aged 40-49 is 5.6.

According to ENDESA 1998, the overall tendency is for women to give birth at a younger age. Women aged 20-24 account for 68 per cent of live births in urban areas, and 63 per cent of live births in rural areas. Women in the under-20 age group account for 19 per cent of the total in urban areas, and 20 per cent of the total in rural areas. Women aged 35 or over account for 13 per cent and 20 per cent respectively.

Influence of religion

The Catholic religion is predominant in Nicaragua, accounting for 80 per cent of the country. There are also a number of evangelical denominations, and 15 per cent of the country is Protestant. The Moravian Church is entirely predominant along the Atlantic Coast.

The Church publishes messages reinforcing attitudes and values that make women subordinate to men and discriminate against women. Even when abused by her husband, a wife is obliged to live with him "until death parts them" (as recited to the betrothed by the priest during the marriage ceremony). A woman's sexual life must be based solely on producing children, being a good wife, and looking after the family and the home.

Family unity

Like all families in every part of the world, the Nicaraguan family follows a trajectory that begins with the birth of the nuclear family, continues with reproduction and the creation of other nuclear families, and ends with the death of the maternal nuclear family and the extinction of the nuclear family.

Women from rural areas generally begin relationships with men at an early age. Their first relationships begin when they are between 14 and 17 years of age, at the height of their adolescent life. Those relationships are generally with men who are older than the women themselves, and the men have usually already lived with other women and have had children by those women.

Within the family unit, the home, women do not always play the same role. There is a marked gender-based division of labour, according to which women are responsible for all domestic activities and for the raising of the children. The remaining activities depend on the nature of the family production units to which they belong, and especially on the means of production available to the man (husband, father or brother).

The home is the family unit where Nicaraguan people also try to provide for their material, moral, and spiritual needs. According to ENDESA 1998, in 31 per cent of Nicaraguan homes the head of household is a woman, who makes the major decisions within the home (which consists of around 5.5 people, on average). Fifteen in every 100 Nicaraguan homes include an "adopted" child - that is, a child under 15 not living with his or her natural parents.

Overview of the education sector

The economic crisis currently affecting the country has made it impossible for the Government to achieve the goals that it set for itself. Significant efforts have been made, however, to provide the people with access to education. The Ministry of Education has chosen to give priority to 1st-to-4th grade education, with a view to improving the internal efficiency of the system.

The 1980 literacy campaign succeeded in reducing illiteracy from the 50 per cent level that had prevailed since the 1950s, to 12.9 per cent. By 1985, however, the rate had risen to 24.8 per cent. This was because the necessary support was not provided to prevent newly literate people from becoming functionally illiterate. By 1993 the illiteracy rate had risen to 29.3 per cent. The Ministry of Education reacted by making changes to the training of teachers involved in adult literacy and adult education. As a result, the illiteracy rate was reduced to 22.7 per cent by 1995. If we break down the data by gender, we see that women account for a lower proportion than men, with the illiteracy rate among women being 25.3 per cent, and the rate among men 26.7 per cent.[5]

The gross attendance rate stood at 68 per cent in 1998, and the net attendance rate in primary education at 73 per cent. Whereas 11.4 per cent of male students repeated first grade, the figure among female students was 12.3 per cent. In 1997, the drop-out rate at first grade level was 23.8 per cent.

## POLITICAL STRUCTURE

The Government

According to the country's Political Constitution, Nicaragua is an independent, free, sovereign, unitary and indivisible State.

The Political Constitution further defines the State of Nicaragua as a democratic, participative, and representative Republic. The National Territory is divided, for administrative purposes, into Departments, Autonomous Regions of the Atlantic Coast, and Municipalities. The Municipalities are the basic units of the country's system of administrative division. The city of Managua is the capital and the seat of the four Authorities of the State.

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[5] INEC, 1995.

National sovereignty resides in the people, and is exercised through democratic instruments deciding and participating freely in the construction and improvement of the nation's economic, political, and social system. The people exercise political authority through their representatives, who are freely elected by universal, equal, direct, and secret suffrage. No person or group of persons may arrogate to themselves this authority or representation. The people can also exercise political power directly, through referendums and plebiscites, and through other procedures set forth in the prevailing Constitution and Laws.

The following are the organs of the Nicaraguan State:

- The Executive Authority
- The Legislative Authority
- The Judicial Authority
- The Electoral Authority

The Executive, Legislative, Judicial and Electoral Authorities are independent from one another, and coordinate with each other in a harmonious manner, subordinated solely to the supreme interests of the nation and the provisions of the Constitution.

Executive authority

Article 144 of Nicaragua's Political Constitution states: "The Executive Power is exercised by the President of the Republic, who is Head of State, Head of Government, and Supreme Head of the Army of Nicaragua."

Executive authority is established under Law No. 290, "Act defining the structure, competence and procedures of the executive branch." This Authority is embodied in the President of the Republic, the Vice-President of the Republic, Ministers Of State, Governmental Bodies, the State Bank and State Enterprises. It may be organized in decentralized or devolved form, in order to improve the implementation of its functions.

The executive authority must safeguard and protect the human rights of Nicaraguan citizens. This means that each State agency and institution must do the same, in accordance with the functions conferred upon it by law, and within its area of competence, with a view to implementing and enforcing the Political Constitution and the laws of the country.

In the event that the President and Vice-President shall both be absent at the same time, the Vice-President of the National Assembly shall assume executive authority. In the event that the Assembly's Vice-President shall be absent, its First President shall assume executive authority.

The Ministry of Health shall safeguard the health of the country's entire population, including women, men, young people, adolescents and children.

The Ministry of Education shall promote free, secular education on behalf of all the Nicaraguan people.

The Ministry for the Family, created in June 1998, is charged with promoting and defending the institution of the family, and with proposing and implementing policies aiming to provide comprehensive solutions regarding the situation of children, young people, the elderly, and the disabled.

The Nicaraguan Institute for Women shall promote the participation of women in the country's development, and ensure that Government policies promote genuine equality between Nicaraguan men and women.

Legislative authority

Article 132 of Nicaragua's Constitution states: "Legislative Power is exercised by the National Assembly as delegated and mandated by the people." At present, women make up 11 per cent of Deputies in the National Assembly, as a result of the 1996 elections.[6]

An obligation is established to allocate sufficient percentage of the General Budget of the Republic to the National Assembly.

The National Assembly shall draft and approve laws and decrees, and reform and repeal existing laws and decrees, and shall also grant amnesties and reprieves at its own initiative or at the initiative of the President of the Republic.

The National Assembly is composed of 90 men and women representatives and their respective alternates, elected by universal, equal, direct, free, and secret suffrage, under the system of proportional representation. In accordance with the provisions of electoral law, 20 representatives shall be elected at a national level, and 70 representatives shall be elected within the departmental constituencies and the autonomous regions.

The National Assembly shall ensure that the laws passed do not diminish the human rights recognized in the Constitution. In the event that the Assembly should fail to do so, there exists a procedure for Appeal on the grounds of unconstitutionality, the function of which is to defend all the country's laws, as well as the Constitution itself.

Whenever the National Assembly shall go into recess, its legislative functions shall be delegated to the President of the Republic.

The right to initiate legislation resides in the representatives of the National Assembly, the President of the Republic, the Supreme Court of Justice and the Supreme Electoral Council, in their respective areas of competence. This right of initiative shall be regulated under the General Statutes and Internal Regulations of the National Assembly. For draft legislation to be approved, it must receive a majority of the votes cast by the representatives present. The President of the Republic may exercise his or her right of veto.

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[6] Indicators of the Participation and Leadership of Nicaraguan Women, INIM, Delgado, María Teresa, Umaña, Milagros et al, 1998.

Judicial authority

The Judicial Authority acts in accordance with Article 158 of the Constitution, which states: "Justice derives from the people and shall be dispensed in their name by the Judicial Authority, embodied in the Courts of Justice established by the Law."

The Judicial Authority is composed of the Courts of Justice established by the Law, which are the District and Local Courts for civil, labour and criminal law; the Appeals Courts; and the Supreme Court of Justice, which is the country's supreme judicial body. The Courts have the competence and jurisdiction to hear all legal disputes, as set out under the law.

The Judicial Authority is among those authorities that constitute the State and is responsible for applying the laws through its courts. Those courts may be civil, criminal, or labour courts. Each court has its own specific jurisdiction.

Labour courts

The function of the labour courts is to hear disputes between workers and employers. Those disputes include wrongful dismissal, compensation for work-related accidents, etc.

Civil courts

The role of the Civil Courts is to hear cases involving conflicts or problems related to the family, ownership of assets, debts, land disputes, etc. They may be either District or Local Courts.

Criminal courts

The role of Criminal Courts is to decide the innocence or guilt of an individual on trial for an offence or crime - for example, robbery or homicide, etc. Like the Civil Courts, these courts may be either Local or District Courts.

Courts of general jurisdiction

In sparsely populated areas, there are individual Courts that are empowered to hear both civil and criminal matters, and are thus known as courts of general jurisdiction.

Appeals court

The Appeals Court is the legal authority above the level of the District justice. Its role is to consider decisions in which one of the parties disputes the sentence. The Appeals Court may change the sentence.

The Appeals Court also rules in habeas corpus appeals.

The Appeals Court considers Amparo appeals. If such appeals are successful, they are passed on to the Supreme Court of Justice.

Supreme Court of Justice

The Supreme Court of Justice is the highest body of the Judicial Authority. In the event that one of the parties may disagree with the decision of the Appeals Court, and makes a so-called "Cassation" appeal, the Supreme Court may either confirm or change the decision. It adjudicates Amparo appeals, which are sent to it by the Appeals Court, and hears appeals made on the grounds of unconstitutionality.

Article 164 of the Constitution accords the following powers to the Supreme Court of Justice:

- To organize and direct the administration of justice;
- To hear and adjudicate ordinary and extraordinary appeals brought against decisions by the courts of justice of the Republic, in accordance with the procedures established by law;
- To hear and adjudicate appeals against violations of rights established in the Constitution, in accordance with the Law on Protection of Rights;
- To hear and adjudicate charges of unconstitutionality of laws;
- To appoint the justices of the Appeals Courts;
- To adjudicate requests for the extradition of citizens of other countries and reject requests concerning national citizens;
- To appoint or dismiss justices, forensic scientists, and public registrars of private and commercial property, throughout the country, in accordance with the Constitution and the Law;
- To authorize individuals to exercise the professions of attorney and solicitor, as well as to suspend and reinstate such individuals, in accordance with the law;
- To authorize the execution of decisions awarded by foreign courts;
- To hear and adjudicate administrative disputes that arise between agencies of public administration, or between such agencies and individual citizens;
- To hear and adjudicate such disputes as may arise between different municipalities, or between municipalities and agencies of Central Government;
- To hear and adjudicate disputes of competence and constitutionality between different State Authorities;

- To hear and adjudicate disputes regarding constitutionality between Central Government and municipal governments and the autonomous regions of the Atlantic Coast;

- To see to its internal regulations and appoint its own personnel;

- All other powers conferred upon it by the Constitution and the laws.

Electoral Authority

This Authority comprises the Supreme Electoral Council and other subordinate electoral bodies. The members of the Supreme Electoral Council are elected by the National Assembly from lists proposed by the President of the Republic. They serve for a period of five years from their entry into office, and have exclusive authority for the organization, running and monitoring of elections, plebiscites, and referendums. The President of the Supreme Electoral Council shall be appointed by the National Assembly from among the elected justices. At present, the Council is headed by a woman.

## GENERAL NORMATIVE FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

There follows a detailed account of the main instruments and authorities having jurisdiction in the matter of human rights in Nicaragua:

- The Constitution of the Republic of Nicaragua, also known as the Magna Carta, is the country's highest and most important legal text. It contains the Laws regulating the affairs of the State and its governing officials, and sets out the duties, rights, and guarantees of Nicaraguan citizens, in particular, and of the family in general.

  The Political Constitution of Nicaragua incorporates into the Republic's legislation the Universal Declaration of Human Rights, which proclaims and guarantees liberty, social justice, equality, fraternity, and respect for human rights.

- The Law on Protection of Rights. According to Article 188, this law is established against any provision, act or resolution, and in general against any action or omission, by any official, authority or agent of said authority who violates or attempts to violate the rights and guarantees enshrined in the Political Constitution.

  It also establishes the right of all citizens - both men and women - to apply for a writ of habeas corpus, on behalf of the offended party (any Nicaraguan woman living in the Republic of Nicaragua), in written form, via letter or telegram, or verbally.

  An application of this type may be made against the official or authority or institution responsible for the entity that either orders or commits the violation, against the executive agent.

- Article 189 sets out the Right to Apply for a Writ of Habeas Corpus on behalf of women whose liberty, physical integrity, or security have been violated or are threatened with violation.

The existing provisions in the above instruments for the repeal of such rights or instruments are established under the Political Constitution, which states: "It is the Assembly that is responsible for repealing and approving legal instruments."

Recognition of such human rights instruments requires the approval of the National Assembly, which considers, approves, and ratifies such instruments through publication in the Official Journal, "La Gaceta de Nicaragua."

The human rights enshrined within the various legal instruments must first be approved by the National Assembly, before they can become part of national legislation.

The authorities having jurisdiction in the matter of human rights (whether administrative, legal, or other types of authority) are the following:

- Appeals Court;
- District Criminal Courts;
- Public Prosecutor for Human Rights;
- Nicaraguan Centre for Human Rights;
- Standing Committee on Human Rights.

The appeals bodies to which women may report violations are the following:

- Supreme Court of Justice;
- National police force;
- Public Prosecutor for Human Rights;
- Office of Women and Children;
- Government agencies for the promotion of human rights;
- Human Rights Committee of the National Assembly.

Agencies charged with monitoring the application of human rights

In Nicaragua, it is important to underline and recognize the role played by non-governmental organizations in the promotion and protection of human rights. The most notable organizations in this regard are the following:

Standing Committee on Human Rights (CPDH)

The Nicaraguan Standing Committee on Human Rights is a civilian, non-profit, non-governmental organization, which has been operating in Nicaragua since 20 April 1977.

The Committee is composed of 12 Nicaraguan citizens with an acknowledged record of interest in human rights. They include religious officials, politicians, writers, businesspeople, university professors, graduate students, and independent professionals. The Committee is impartial and independent in respect of all its actions.

The Committee's efforts to inform people about the content and scope of the basic texts and international conventions on human rights in Nicaragua have focused on three main areas: promotion, defence, and information.

The CPDH defends human rights through negotiations with national authorities in specific instances or with international agencies working for the promotion and defence of human rights.

It also defends human rights by providing legal advice to the victims of human rights violations or their families.

Nicaraguan Centre for Human Rights (CENIDH)

The Nicaraguan Centre for Human Rights (CENIDH) is a non-governmental organization created in May 1990 as a non-profit humanitarian organization.

It was created at the initiative of a group of representatives of civil society, who were aware of the need to promote, safeguard, and defend the human rights of Nicaraguan citizens, without distinction of any kind. The Executive Director of the Centre is a woman.

The objectives of the Centre are the following:

- To protect;
- To defend;
- To investigate;
- To promote human rights.

Its mandate is based on the Political Constitution, the Laws of the Republic, the Universal Declaration of Human Rights, and the Human Rights Treaties and Conventions ratified by Nicaragua. CENIDH:

- Investigates and responds to complaints received with respect to individual violations of human rights;

- Investigates acts that are in violation of human rights;

- Conducts studies and research into measures and situations involving violations of such rights;

- Prepares periodic Reports on the human rights situation in Nicaragua;

- Holds training workshops for different sectors of the population, giving priority to women throughout the country;

- Encourages people to work to defend their own human rights, through a network of grass-roots advocates (men and women);

- Promotes campaigns on reporting and conducts educational campaigns via the mass media;

- Provides and disseminates information concerning its comprehensive activities;

- Publishes a bulletin every two months, and distributes the bulletin throughout the country and abroad.

CENIDH provides the following services:

- Protection;

- Legal advice;

- Thorough investigation of the case;

- Direct reporting of the investigation results to the competent authorities, requesting the punishment of the guilty parties in the event that the matter is clearly resolved, or, should the case merit such action, the reporting of the case to international agencies such as the Inter-American Commission on Human Rights (CIDH) of the Organization of American States (OAS).

As a member of the Commission for the Defence of Human Rights in Central America (CODEHUCA), CENIDH can reach over 100 human rights organizations throughout the world through the Reporting and Solidarity Network, which is responsible for the dissemination of cases brought before the Centre.

## INFORMATION AND PUBLICITY

CPDH promotes awareness of the content and scope of the basic laws and international Conventions on human rights. It does so through seminars and debates on general or specific themes related to human rights, and through publications concerning Declarations, International Conventions, and national human rights legislation.

CPDH published a second edition of the Convention on the Elimination of All Forms of Discrimination against Women. Publication was authorized by UNICEF. The Committee also published a brochure on the rights of the child.

CENIDH runs a Documentation Centre, which houses the books, reviews, official gazettes, and working reports that it produces on a comprehensive basis. It promotes campaigns on reporting and conducts educational campaigns through the mass media, and encourages people to defend their human rights through a network of grass-roots advocates, both men and women.

PART TWO

As an international human rights treaty, the Convention on the Elimination of All Forms of Discrimination against Women obliges States parties to submit reports every four years concerning progress made with regard to each article of the Convention.

The second part of this report contains new information concerning achievements and measures in the legislative and administrative arenas.

The Convention requires that commitments be made to ensuring that men and women are treated equally and enjoy all economic, social, cultural and civil rights.

## Article 1

(Definition of discrimination)

In Nicaragua, we may state that the Political Constitution of the Republic is in agreement with the principles contained in international instruments, since it guarantees equality under the law between men and women and aims to achieve the elimination of discrimination against women.

When asked by the Legal Advisory Department of the Nicaraguan Institute for Women whether there was discrimination against women under the country's laws, the magistrates and justices of the Supreme Court of Justice replied: "There is no discrimination against women under the country's laws."

It is true that cultural norms subordinating and marginalizing women continue to be deeply entrenched in Nicaraguan society. However, parliament, and the policy-making, administrative, and legal bodies charged with implementation of the law are also influenced strongly by ideas that discriminate against women - ideas that reflect the cultural values of society as a whole.

The mere fact that Nicaragua ratified the Convention on All Forms of Discrimination against Women indicates that it has embraced the definition of discrimination, and that INIM has worked together with agencies of the State and civil society to revise discriminatory laws against women.

On 8 March 1993, the Advisory Council of the Nicaraguan Institute for Women was created, under Decree No. 20-93. The Council is an agency responsible for coordinating with various governmental and non-governmental agencies, with the aim of formulating draft policies and actions aimed at promoting the effective integration of women in all areas of the social, political and economic life of the country. It has functioned on a continuous basis, notably at international meetings such as the Fourth World Conference on Women.

(Articles 2, 3 and 4)

(Appropriate policies and laws to combat discrimination against women)

In Nicaragua, the Political Constitution clearly expresses absolute respect for human rights. Article 46 guarantees State protection; the recognition of human rights inherent to the human condition; the respect, promotion, and protection of human rights throughout the country; as well as enforcement of the accords provided for in the various different international conventions and agreements.

Each of these conventions and agreements guarantees recognition of the fundamental rights of the individual and of equal rights for men and women.

In our country, a number of laws have been created, and others revised, on behalf of women, in the political, civil, social, and economic fields. Those laws are the following:

- Law on Alimony, No. 143 (1992) This law guarantees the duty and right of fathers and mothers to make alimony payments to their children, and sets out the husband's obligations in the event that he should leave the family nucleus.

According to Article 6, the obligation to make alimony payments must respect the following order:

(a) children
(b) spouse
(c) stable de facto partner

The obligation to make alimony payments for children and grandchildren ceases when those to whom the alimony is being provided reach the age of majority, in accordance with the law.

The law stipulates that this obligation shall continue in respect of children who have not yet completed their advanced studies, provided that they are carrying out those studies in a profitable manner.

In Chapter IV, Article 16, responsible motherhood and fatherhood are defined as maintaining the home and providing comprehensive upbringing to one's children, together, and on a basis of equal rights and responsibilities.

- Law No. 150, published in the Gaceta No. 174, of 9 September 1992, changed the heading of Volume II, Title I, of the Penal Code, to Crimes Against Persons and Against their Physical, Psychological, Moral and Social Integrity. It also changed the title of Volume II, Title I, Chapter VIII of the Code to: Concerning Rape and Other Forms of Sexual Aggression.

The crimes addressed under Law 150 are the following:

- Article 195: Crime of rape
- Article 198: Crime of abduction
- Article 200: Crime of indecent abuse
- Article 201: Crime of corruption
- Article 196: Crime of estupro (a lesser form of rape)
- Article 197: Crime of illegal seduction
- Article 204: Crime of sodomy

- Law No. 230, which reforms Articles 102, 137, 139, 140, 141 and 143 of Volume II, Title I, Chapter II of the current Penal Code, wherein Injuries are defined not only in terms of wounds, bruises, abrasions, fractures, dislocations, and burns, but also with respect to overall physical or psychological integrity, changes in health, and any other harm done to an individual. As well as recognizing psychological harm, the reform sets out protective and safety measures for the protection of the victim.

- Constitutional Reforms, establishing the concept of family patrimony.

- The existing Labour Code, which establishes equal rights between men and women.

- The Agricultural Reform law, which sets out women's equal rights with regard to access to land.

- The Law on Social Security, which extends the system of compensation and benefits to other sectors. The law discriminates in the case of widows.

- The Law on Maternal Breastfeeding, which promotes maternal breastfeeding.

- The Law on Relations between Mother, Father and Children.

The advances and successes achieved on behalf of women are the result of initiatives and efforts made in Parliament by the Committee on Children, Women and the Family, together with women's civil organizations who take up questions raised by the sectors they represent.

Although progress has been made with respect to legal actions on behalf of women, there remain shortcomings in our Civil, Labour and Penal Codes, in the form of traditional conceptions that impede the full and effective equality of women under the law. It is possible to discern contradictions, discrimination and grave shortcomings affecting women's access to justice. These include the following:

- Domestic violence;
- Absence of a Family Code;
- Cumbersome procedures;
- Women are not aware of the laws;

- Paternal irresponsibility;
- Delay in demands for children's alimony, among other important aspects.

Similarly, Article 3 of the Convention requires States parties to implement policies that are non-discriminatory and based on equality, by placing women's rights and the gender approach in the mainstream of political, economic, social and cultural policies.

In response to that mandate, Nicaragua has formulated a number of sectoral policies for the advancement of women and children in particular. Those policies include the following:

- National population policy, through the Ministry for Social Action (now the Department of State for Social Action);

- Social policy, through the Ministry for Social Action (now the Department of State for Social Action);

- Policy on equal access to agricultural land for men and women (INRA);

- Policy on equal opportunities for women and men in the different areas of the National Micro-enterprise Programme (PAMIC);

- Violence as a public health issue (Ministry of Health).

Below, we shall describe the broad outlines of the actions and policies being promoted by the Ministries. In our view, they represent great progress in terms of improving the condition of Nicaraguan women.

Handbook on comprehensive care for women and children

Within the framework of the major changes it is promoting, the Nicaraguan Ministry of Health provided health care personnel, both at institutional and community level, with the "Handbook on comprehensive care for women and children." This is a basic tool, which describes the service-reorganization process and defines the scientific and technical standards governing the provision of comprehensive care to women and children.

The handbook was approved under Ministerial Resolution No. 6-95 of January 1995, considering:

"that within the context of the current process of institutional reorganization and strengthening, actions carried out at the primary level of health care should be regulated and implemented with a view to giving concrete form to one of the central strategies of the National health policy, which is the provision of comprehensive health care to women and children."

"that implementation of concrete comprehensive actions on behalf of women and children will make it possible to improve coverage while reducing the number of missed opportunities, and to give coherence to health services, while optimizing the use of human resources."

National health policy

The aim of national health policy is to strengthen the capacity to identify and control social and epidemiological risks and the harm to the population caused by the deterioration of the environment; the lack of basic sanitation; and biological, physical, and chemical risks.

The main focus of this policy is the comprehensive health of women and children, with special emphasis on providing for women heads of family and children living in particularly difficult conditions.

Accordingly, it defines the following general guidelines:

- To promote actions regarding issues affecting women's health, focusing on gender, self-care, and sex education;

- To increase the availability of ways to avoid unwanted pregnancies and of family planning, while respecting the freedom of the individual and the couple;

- To promote the early diagnosis, detection, and timely referral of high pregnancy risk; vigilance and adequate care during the birth and the lying-in period, and the diagnosis of risky pathologies;

- To give children the opportunity to be born under the best possible conditions, promoting growth and healthy development, and maternal breastfeeding, as well as the provision of timely care for their sicknesses, encouraging organizational measures for the implementation of perinatal programmes and services, as well as programmes and services related to morbidity by Diarrhoea Diseases (DD) and Acute Respiratory Infections (IRA);

- To ensure that nutritional education and supervision mechanisms are directed at improving the nutritional conditions of the population, by redirecting nutritional habits towards patterns offering higher nutritional content and emphasizing the use of safe food, preventing the transmission of diseases through food, and monitoring deficiencies in specific micronutrients;

- To develop and strengthen the bases and mechanisms for designing and implementing intersectoral actions in support of health-sector activities;

- To ensure more effective promotion of community participation, encouraging the community to take part in the planning, implementation, and evaluation of actions aimed at resolving health problems.

Model for the comprehensive care of women and children

The Ministry for Social Action has been developing actions directed at individuals, families, and communities, and their relationship with their

environment, in a continuous process of interrelated actions designed to promote health, and recuperation and rehabilitation following sickness.

The notion of comprehensive care does not begin with the sick person, but with the analysis of all the factors that might possibly influence the problem and its most important aspects, identifying those aspects that might benefit from direct intervention on the part of the various institutions, determining which social and State sectors should be involved in dealing with them, and creating effective coordination between the different programmes and sectors concerned.

Comprehensive care represents a joint effort on the part of the entire health system to organize its activities and resources according to the health needs of the people and their primary risks. In institutional terms, this means the organization and integration of services and activities providing care for individuals, families, and communities, and care for the environment (whether the living, study or work environment), in a coherent, harmonious, and logical manner.

Comprehensive care involves a number of different perspectives.

- Care of individuals;
- Care of the physical environment;
- Comprehensive nature of programmes;
- Intersectoral actions;
- Participation by the community;
- Institutional management by the Ministry of Health.

It should be emphasized that implementation of this model has meant breaking with the old vertical concept of the "programme," in order to establish the principle of comprehensive care for women and children.

Implementation of the comprehensive care model has required that the Ministry of Health revise its programmes, objectives, and declared aims regarding the development of care to women and children, thereby arriving at the following definitions:

- Comprehensive care of women: This means basing actions on the concept of the woman as an integral being. It requires that women's issues be dealt with from a gender perspective, not just with respect to reproductive health, but also with respect to motherhood, with a view to reducing, neutralizing, or eliminating factors (whether existing or potential) that increase the risk that women may become sick or die.

- Comprehensive care of children and young persons: This means coordinating efforts through coherent and coordinated actions, from a perspective that seeks to reduce, neutralize, or eliminate factors (whether existing or potential) that increase the risk that children or young people may become sick or die.

Evaluation of the process for implementing the model for the comprehensive care of women and children

In December 1996, the results of the evaluation of the implementation process regarding the model for the comprehensive care of women and children were presented. The process was promoted by the Ministry of Health through the Office for the Comprehensive Care of Women and Children.

Among the main conclusions of the evaluation, the following are of particular significance:

- The Model for the comprehensive care of Women and children is being applied in all 7 Local Systems of Comprehensive Health Care (SILAIS) visited, with different degrees of progress.

- Health personnel have developed a positive attitude towards the Care model.

- People using services provided for women and children have been happy with the care they have received from staff.

- The number of missed opportunities is decreasing, especially in relation to the identification of pregnancies during the first trimester, institutional care for births, the lying-in period, and immunizations.

- A strong working relationship has been established between health care staff and midwives, health care promoters, and brigade members.

- Efforts have been made to strengthen inter-institutional coordination for the development of actions and the achievement of objectives with shared groups.

Social policy of the Nicaraguan Government

In its role as the promoter of development, the Government implements its social policy as a combination of guidelines and actions orienting the country's resources towards the promotion of greater and better access to public assets and services, with a view to improving the people's quality of life.

The Government's social policy is the product of reflection, coordination, and consensus on the part of all Government institutions responsible for providing social services to the people. Its guidelines and the definition of its priorities are based on universal principles and values recognized by society and the State, considering the individual as the promoter of his or her own development and growth.

Objectives

- To improve the quality of life of the Nicaraguan people, and especially to eliminate extreme poverty as quickly as possible.

- To increase the coverage and quality of public services, in terms of efficiency and equity.

- To direct social investment towards the development of human capital as a central factor in the nation's progress.

- To promote the rational and sustainable use of natural resources with a view to achieving ecological balance and environmental preservation.

Basic principles of social policy

In accordance with the democratic principles of the Government, the constitutional State, respect for property, the free market, and representative democracy, social policy is governed by the following principles:

Equity

Equity is understood as the ability of citizens to achieve equal access to social goods and services. In order to ensure that this principle is put into practice, public expenditure must be oriented towards goods and services accessible to all citizens, at minimum acceptable levels in terms of society and the country's economic development.

Efficiency

Efficiency is defined as the ability to achieve an increase in the quality of and access to goods and services at the lowest possible cost. Due to the limited resources available to meet the social demands of the population, levels of efficiency must be improved, and the coverage and quality of the services provided must be improved.

Responsibility

This principle refers to the necessity of ensuring the effective implementation of plans and programmes, the formulation of well-structured and well-defined social policies, transparency in the assignment of priorities, the appropriate use of public resources, judicious monitoring and timely adjustment of plans and programmes where necessary, and the permanent provision of information to the public concerning the results of the management and use of resources.

Social policy is directed towards development of the following priority areas of the social sector:

- Education: The basic principles in this sector are equal access and equal opportunity for men and women.

- Health: The priorities for this sector are the following:

    - Comprehensive care of women and children;
    - The fight against transmissible and re-emergent diseases;

- Strengthening and broadening reproductive health coverage;
- Environmental hygiene and cleanup.

- Water and sanitation: Here, the primary concern is to improve and extend safe-water and sewer systems in priority urban and rural areas.

- Nutrition: Emphasis will be placed on nutrition-related welfare and compensation programmes for children.

National population policy

National population policy is implemented in accordance with the commitment of Social Policy to reduce poverty through policies that improve access to education and basic health services for the poorest sectors, considering that poverty and serious social inequalities exert pressure on the basic services provided by the State.

Population policy embraces all the major demographic elements: mortality, fertility, internal and international migration, human settlement, town-planning, and the country's population distribution in relation to economic and social development, natural resources, and the environment.

Principles

National population policy recognizes the fundamental role played by the family as the basic unit of our society. As set out in the country's Political Constitution, moreover, it promotes the consolidation of the family and gender equity.

The policy respects all the legal, cultural, moral, and religious principles of the Nicaraguan people.

Family relations are based upon respect, solidarity, and absolute equality of rights and responsibilities between men and women (Political Constitution, Art. 73). Special attention will therefore be given to family-life education from an integral perspective of the human being in all his dimensions.

National Population Policy is founded on the basic right of all couples to decide freely and responsibly how many children they wish to have and the spacing between the births, as well as how to obtain the reliable and complete information and the resources they need in order to exercise their rights fully.

The policy will take full account of the ethnic, cultural, and religious diversity that characterizes Nicaraguan society, respecting the right of each community to preserve and develop its own cultural identity.

Sex-education policy

In May 1997, the Ministry of Education presented to the First Congress, "With all and for all," its Sex-Education Policy, as the first example of educational democracy in our country.

In formulating this policy, the Ministry of Education held open and broad discussions on sex education in different areas and with different agencies. There were eighty municipal conferences, nine regional conferences, and one national conference, which took place in six districts of the capital, Managua, and in 23 of the country's municipalities.

The conferences were attended by 281 Secondary Education Centres and 67 sectors of various kinds, including political parties, religious entities, State Authorities, international agencies, the educational community, fathers of families, unions, students' associations, etc. In all, the conferences were attended by 6,360 people from around the country.

This process produced almost unanimous agreement on the need for sex education in the country's various schools and institutes. Concerns were expressed regarding sexually transmitted diseases (STD), as well as irresponsible behaviour and sexual crimes. It was considered essential that appropriate and timely information be provided to adolescents and young people, so that they can learn to express their sexuality in a responsible manner.

It became apparent that there were different views with respect to how and when sex education should be given, and what it should offer; and with respect to the question of whether or not sex education should be offered at all.

Amid the various opinions expressed, the Ministry of Education stated that it was important to be able to "encourage the forming of stable, united families, taking into account citizens' religious practices, beliefs, and sexual values".

The Government agency responsible for regulating women's issues

Article 3 of the Convention also stipulates that States parties must create or strengthen an agency responsible for regulating public policy on women and for the fulfilment of obligations assumed by the Government.

Nicaraguan Institute for Women (INIM): This institution is a Government authority, whose role is to regulate matters related to equality of access and opportunity for women as economic participants in the nation's development.

INIM is directed by a woman, and its professional and technical staff are also women. The INIM is committed to addressing the issues faced by the female population, and this has helped to ensure that the practical and strategic interests of Nicaraguan women are included in national decision-making processes.

INIM was reactivated in 1991, and strengthened under organic law, in the form of Decree No. 36-93, signed on 6 July and published in Gaceta No. 128 of 7 July 1993.

The Institute has the following functions:

- To assist in the definition and drafting of Government policies and plans regarding the promotion of women's comprehensive development;

- To contribute towards the understanding of women's condition and situation, by promoting an information and communications strategy focusing on the theme of women and based on coordination with the governmental and non-governmental institutions involved in Nicaragua's economic, social, cultural, and political development;

- To strengthen the presence and participation of the Nicaraguan Government in international governmental agencies and institutions specializing in the various aspects of women's condition;

- To secure the financial and technical resources required for the actions, projects, and programmes to be implemented by the Institute, on behalf of women.

Over recent years, INIM has been gradually strengthened in institutional terms, and has made progress towards the attainment of its original objectives. The work carried out by INIM has been acclaimed both nationally and internationally.

## Article 5

(Modification of social and cultural patterns)

States parties shall implement actions designed to:

- Change socio-cultural patterns (values, practices, beliefs, and behaviour) that promote discrimination and perpetuate stereotypes with respect to both genders;

- Develop a family education system that advocates a non-stereotyped understanding of the social function of maternity and the responsibility of the mother and the father for the upbringing of their children.

The State must also promote initiatives aimed at creating or informing society's awareness of the fact that violence against women represents a violation of human rights and of the positive value and contribution of maternity and the shared responsibilities of the mother and the father.

### Patterns deeply rooted in Nicaraguan society

In Nicaragua, machismo is a social phenomenon that is present in all areas of daily life and influences economic, political and social structures, placing women at a distinct disadvantage to men, and in a position of pronounced inequality with respect to men.

It may be said that the subordination of women has a "more sublime" effect, but the area in which machismo culture is most felt, and where it has its most devastating impact on others, is that of intra-family violence, against women, adolescents and children, and irresponsible fatherhood affecting children and family in general.

Men continue to have a greater say in the decision as to whether or not the couple has sexual relations, and whether or not women may use contraceptives (including condoms). Family health surveys conducted in 1994 showed that 40 per cent of married women between 15 and 49 years of age did not use contraceptives, citing reasons such as savings, opposition from the husband, religion, and health problems.

In Nicaraguan society, it is considered normal that men have relationships with more than one woman, while women are condemned for being "unfaithful" and are expected to be loyal to their partners.

Intra-family violence

Intra-family violence is a phenomenon that affects all women around the world. It is based mostly on unequal relations between men and women, and is an expression of men's power over women. The violence is manifested at every level, whether economic, political, or social. It affects the entire family, but especially women, at every stage of their lives.

In our country, the psychological consequences of intra-family violence have not been satisfactorily evaluated, because we lack the forensic and medical psychologists able to conduct such an evaluation. Most evaluations of the problem refer only to the physical consequences, but all physical abuse necessarily involves psychological abuse. A climate of tension and aggression within the family destroys the family's meaning as a place of protection, security and support. It affects the mental and emotional health of family members and their capacity to socialize with one another, and very often leads to the break-up of the family.[7]

Nicaraguan homes are scenes of intra-family violence and sexual crimes. These phenomena amount to a blight upon society as a whole. According to statistics provided by the National police force, intra-family violence and sexual crimes were the leading forms of crime in 1998.

According to the most recent report from that institution,[7] 66,064 crimes were recorded in the country as a whole. This was 3,436 more than in 1997, representing an increase of 5.5 per cent.

Although crimes against property certainly made up a higher percentage of the total, with 37,081 being reported, 25,800 crimes against persons were recorded.

The report refers to 15,820 cases of injury, of which 36 per cent were the result of intra-family violence, and of which 5,771 cases occurred in the family home. Most incidents took place on a Saturday or Sunday, and the aggressors were mostly drunk or under the influence of drugs at the time of the incidents.

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[7] Extract from the report "Experiences with the design of indicators concerning the theme of women, adolescents, and youth," p. 35, INIM 1998.

The police report notes that abuse of the elderly has increased over the past five years. The number of recorded cases rose from 33 in 1997 to 124 in 1998, a jump of 275.8 per cent.

There were 3,329 recorded sexual crimes, which include rape, attempted rape, unsuccessful rape, estupro (a lesser form of rape), abduction, indecent abuse, and sexual harassment. There were 1,253 recorded cases of rape, with the main victims being women under 17 years of age. There were 96 recorded cases of male rape, with boys below the age of 13 being the main victims.

According to Nicaragua's 1998 Demographic and Health Survey (ENDESA),[8] "for the first time in this type of survey, a special questionnaire was included on relations within the home." The questionnaire was given to one woman from each home, based on the condition that she was married, or had at one time been married. The main objective of the questionnaire was to obtain information that would make it possible to quantify the violence committed against women, both nationwide and within each Department.

Special methodological guidelines were followed in order to obtain this information, with respect both to the training of staff conducting the survey and to the procedures to be followed by interviewees and interviewers in the homes of women affected by this problem. This first, preliminary report includes figures on the prevalence of physical and sexual abuse, as in the past, as well as on the main social and demographic characteristics of those forms of abuse.

Recent studies on the prevalence of violence against women in León and Managua indicate that on average half of women who have been married at some time have suffered some form of physical or sexual abuse at some point during their lives.[9] The same studies also found that around 25 per cent of women had suffered some form of physical or sexual abuse over the previous year. The results of ENDESA 98 indicate that 29 per cent of women who have been married at some time have suffered some form of physical or sexual abuse at some point during their lives, with 57 per cent of abused women saying that the children were present when the abuse occurred. Incidents of this kind, taking place in front of the children, occur more frequently in urban areas, accounting for 59 per cent of all those reported by interviewees.

Perhaps one of the most alarming findings is that 36 per cent of women indicated that they had been abused during pregnancy. This figure does not vary significantly from one area to another, but this kind of abuse is much more common among uneducated women (38 per cent) and among women who had had four or more live births (42 per cent).

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[8] Extract from ENDESA, "Domestic Violence," p. 24.
[9] Ellsberg, M., et al, Confites en el Infierno, 2nd ed., 1998, Managua, Nicaragua.

Modification of social and cultural patterns

Nicaraguan Institute for Women (INIM)

External cooperation has provided Nicaragua with a very important source of economic and financial aid and technical assistance for the promotion of our country's development.

Financial resources have been allocated under various headings. A very high percentage has been used for awareness and training activities among men and women. This represents a medium-term and long-term investment in individual and collective self-improvement among different groups.

According to data from the Ministry of Foreign Trade, the amount of aid allocated to our country by multilateral financial agencies has been reduced. Another factor affecting the country's development is that a significant proportion of international aid has been used to pay off external debt. Furthermore, some of the conditions imposed do not take into account the reality and priorities of our country.

INIM, as a governmental institution working on behalf of women, has been directing actions designed to modify sociocultural patterns through educational campaigns; seminars; printed materials such as posters, leaflets, and road signs; and publications such as research results, educational materials, etc.

A significant proportion of INIM's financial resources has been used for training activities designed to provide women in the country's various economic, political and social sectors with training and with opportunities for self-improvement.

The strategy of the Nicaraguan Institute for Women included awareness-raising activities among various agencies and the provision of training for women leaders of the various political parties, the training of advocates for leadership and personal-effectiveness workshops on the theme of violence, application of the Children and Young Persons Code, alternative credits, gender perspective, etc.

The promotion and awareness-raising process took into account the following factors:

- The fact that, in order to increase women's empowerment, it is necessary to strengthen and to provide continued support to the systematic process of awareness-raising and education, at all levels of the State and civil society, with a view to providing comprehensive assistance in the process of constructing gender identity;

- The importance of promoting an awareness-raising and education process, at all levels of society, thereby enabling women to demand that the various political organizations allow them a higher level of participation in leadership and decision-making positions; the importance of helping to ensure that the political classes include in

their political agendas broad policies based on characteristics specific to each gender;

- The fact that greater participation by women will guarantee the presence of women Deputies in the National Assembly, with a view to ensuring that women's concerns are addressed more effectively;

- The fact that the promotion of programmes designed to raise the awareness of civil servants, both men and women, and to provide them with training in the area of responsibility and decision-making, is one of the major actions that must be promoted and strengthened over the coming decade. This will help to ensure that policies, plans, programmes, and strategic planning in general all incorporate the gender perspective.

As part of this same process, INIM has held a series of training workshops aimed at women from the different districts, communities, the market, political parties, civil servants, professional women and technicians from various NGOs and civil society, with the aim of empowering Nicaraguan women and promoting their individual development.

Also as part of this process, INIM has held a number of national workshops, addressing various different themes, and notably the following:

- Leadership

  - Leadership and personal objectives;
  - Leadership and self-esteem;
  - Leadership and personal authority;
  - Leadership and personal efficiency.

- Planning

  - Strategic planning;
  - Logical Framework-based planning;
  - Community planning.

- Job training

  - Electrical welding;
  - Dairy production;
  - Tailoring;
  - Bread-making;
  - Carpentry;
  - Others.

- Credit
- Awareness-raising
- Follow-up
- Violence
- Forensic medicine
- Analysis of Care Model

- Reform of Penal Code - Law on Alimony
- Children's Code
- Content of international conventions on children and mothers
- Care Model of the Offices for Women and Children
- Project evaluation
- Information systems
- Reproductive health
- Women's access to land/ownership in the rural sector

These workshops led to the following achievements:

- The Nicaraguan Women's Forum was formed;
- Rural women were given the right to own land;
- Women who participated in the leadership workshops stood as candidates for elections. They included a party vice-president, and others, such as the Mayoress of Managua, councillors, Deputies, etc.

Other concrete actions benefiting women

INIM has made significant efforts in this regard, in conjunction with non-governmental and governmental organizations, and is supporting actions that are reducing the rate of intra-family and sexual violence against women, children, and young persons. Those efforts include the following:

The Nicaraguan Institute for Women created the Women's Anti-Violence Network, an association that brings together organizations of civil society working to combat violence, the National Coordinator of NGOs working with children and young persons, the Ministry of Health, the Ministry of Education, INATEC, and the three State Authorities. This led to the creation of the National Commission on Violence against Women, Children and Young Persons. At the end of 1998, began the process of formulating the National Plan on Violence against Women, Children and Young Persons.

- The National Commission for Protection of the Rights of the Child, in conjunction with the National Coordinator of NGOs working with children and young persons, the Ministry of Health, the Ministry for the Family, the Ministry of Education, and the Department of State for Social Action, formulated:

  - The National Plan on Violence against Women, Children and Young Persons;

  - Policy for the comprehensive care of women and children;

  - The Children and Young Persons Code, which was approved in June 1998, and entered into force in November of the same year.

Offices for Women and Children

The project to create the Offices is now a national programme. It was designed as a response to the serious situation of violence faced by women and children every day in our country.

INIM formulated this project on the basis of the political will expressed by the Government to implement such a project. It took into consideration the prior efforts of the National police force and the Centre for Women (IXCHEN). The project was approved by INIM's Advisory Council.

This was the first in a series of steps leading to the creation of the 10 national Offices funded by INIM and the 8 Offices funded by local initiative. The role of the Offices is to meet the needs of all those women who now have the courage to report situations of violence.

The first Office for women and children began operations on 8 March, International Women's Day, thereby becoming an institutional project with a national perspective.

This programme is highly pertinent to our country's needs, representing a timely response to the problem of gender violence and intra-family violence that affect thousands of Nicaraguan families.

The National police force institutionalized the Office for Women and Children in 1995. As part of that process, National police headquarters created the Central Coordinating Office, initially as part of the Office, but then as part of its own structure. The objective was to ensure follow-up, control, and monitoring of the implementation of the Offices for Women and Children as part of its policing actions, and to coordinate with INIM on overall supervision of the project. The Central Office consisted of four officials, charged with implementing the said objective. It began operations in July, 1997.

In 1996, the Offices were legalized under National police regulations, when the then President of the Republic, Violeta Barrios de Chamorro, approved Law No. 228 on the National police, which regulated the functioning of the said agency. Article 21, Section IV, entitled "Special National Priorities," provided for the creation of the Offices for Women and Children charged with the provision of special care for cases of physical, emotional or sexual violence against women and children, through the criminal investigations department.

INIM has made strenuous efforts to strengthen the activities of the Offices. For example, it has requested that the Supreme Court of Justice appoint and authorize women forensic experts to work in the Women's Alternative Health Centres, as a way to respond more effectively to cases received by the Offices.

INIM has also worked effectively with the various partners involved to ensure the successful setting up and functioning of Offices in areas with the highest incidences of violence.

INIM and the Alternative Health Centres have signed bilateral agreements to ensure the efficient handling of reported cases.

The Offices for Women and Children, coordinated by INIM together with the National police, have entered into a new, "transition" phase, which seeks to create the technical and methodological conditions for, as well as to strengthen the political process between the different agencies involved (INIM, Women's Anti-Violence Network, and National police).

This phase has been regarded as participatory, in the sense that opinions have been invited from all the actors directly involved, both men and women (Heads of Offices, Police instructors, women psychologists and social workers from the Offices, care staff from the Centres and people using the Offices and the Centres), through different forms of participation: workshops, meetings, work sessions, etc.

Main achievements of the Offices

- They have helped to position the issue of intra-family violence more prominently on the social and public agenda;

- They have brought an increase in the involvement of the State and encouraged public authorities - particularly the National police force - to take on responsibilities and commitments in order to deal with and prevent this problem;

- They have been responsible for the inclusion of intra-family violence on the agenda, and in the actions of, the agency responsible for directing policies on women (INIM), as one of the fundamental areas of operation in efforts to achieve gender equality;

- They have created specialized and safe environments for the care of those affected and for the reduction of impunity, mainly in the area of sexual crimes;

- Through the project, they have encouraged coordination across different areas of society, including institutions, organized civil society, and the women's organizations;

- The initiative enjoys support and recognition among users (both men and women) and citizens in general. This is reflected, for example, in the increase in the number of reported cases and in the growing number of people visiting the Offices in search of guidance and support;

- The number of Offices envisaged in the initial plans has been increased, and popular demand for, and efforts to organize the opening of other Offices continues to grow;

- They have provided training for professional, civil and police personnel, as well as for women at grass-roots level, and enabled them to learn specialized skills;

- They have attracted the interest of sponsors to the project.

National Commission on Violence against Women, Children and Young Persons

In July 1998, the National Commission on Violence against Women and Children was created.

The Commission has the following overall objective:

- To help prevent, punish, and eradicate violence against women and children, with particular emphasis on intra-family and sexual violence, by institutionalizing effective coordination between the State and civil society with the creation of the National Commission on Violence, which will ensure that this problem is comprehensively addressed through the creation of a National Plan on Violence against Women, Children and Young Persons.

The agencies making up this Commission are the following:

Members

- Nicaraguan Institute for Women;
- National police force;
- Supreme Court of Justice;
- National Assembly;
- National Commission for Protection of the Rights of the Child;
- Ministry for the Family;
- Women's Anti-Violence Network;
- Coordinator of NGOs working with children;
- Department of State for Social Action;
- National Technological Institute (INATEC).

The Commission's basic responsibilities notably include the following:

- The drafting and implementation of a Comprehensive Training Plan at the national level, setting out the agendas for the various agencies that make up the National Commission on Violence against Women, Children and Young Persons, in regard to the training of staff involved in the various different areas of this issue, and with priority being given to rural areas;

- Raising the awareness of judges (both men and women), the police, and forensic scientists (both men and women), with regard to the provision of care and follow-up services to victims;

- Raising the awareness of students taking university courses related to the theme of violence, in order that they can play an effective role in this respect;

- Provide awareness training to local judges (both men and women), prior to their appointment;

- Design and promote a continuous process of social communication concerning the process of preventing violence against women, children and young persons;

- Formulate a National Plan on Violence (this process has already begun);

- Create mechanisms and spaces for the effective application of the Law.

National police force

The National police force has been making efforts to reinforce the presence of the relevant principles and values within its institutional culture. Notable among the actions it has implemented are those aimed at providing education and training within a difficult social environment, marked by traditional attitudes and behaviour accepted by men and women.

Over the past two years, German development aid (in the form of GTZ), contributed within the framework of the Project for the Promotion of Gender Policies, has provided technical assistance and support for the National police force. One initiative in this regard was the preparation of police training texts, entitled "Gender Violence and Citizen Security."

The content of these documents was determined with the help of input from Nicaraguan and international women advisors, and male and female officers from the police academy and other branches of the National police. These documents now provide the basis for the training provided to members of the National police force, with a view to ensuring the success of the process of comprehensive, sustainable, and necessary transformation under way.

The documents are used as a training tool for all branches of the police, and for students and cadets of the police academy, at the beginning, intermediate, and advanced levels. They contain study materials that have now become an integral part of the training curricula at each level.

The documents are divided into five separate units:

Unit 1: Gender as category, analysis and concept for the police as an institution.

Unit 2: Modernization of the police as an institution; gender and challenges to citizen security.

Unit 3: Gender and citizen security.

Unit 4: Gender violence.

Unit 5: Police intervention in gender violence.

The preparation of the training module, through a process of joint discussion and reflection, and the module validation process implemented during 1998, were important steps for the police and for Nicaraguan society in general.

Central American University (UCA)

As an educational organization, the UCA seeks to impart values that help individuals to form their identities. Based on this principle, the UCA has accepted the challenge of helping to forge a renewal of the culture of breastfeeding, by implementing the Maternal Breastfeeding Programme from a gender perspective, with a view to protecting the life, health and wellbeing of families and society.

Why teach maternal breastfeeding in the Communications Faculty?

The news media influence public opinion, and therefore bear a great responsibility, especially with respect to the health of our country's children.

The news media facilitate changes in health-related practices.

Why teach maternal breastfeeding in the Faculty of Humanities?

In the case of human beings, the practice of maternal breastfeeding is a learned behaviour, not an instinct. It serves to create a more intimate contact between mother and child. However, maternal breastfeeding is influenced, in the first instance, by a range of psychosocial factors, such as:

- Family relationships
- Emotional support
- Social customs regarding the feeding of children
- Advice and experiences
- Influence of the communications media
- It unites the family
- The child feels protected, loved, and secure.

Breastfeeding in the Faculty of Law

It is important to inform people about the rights of working women who are breastfeeding their children, so that they are able to defend themselves and demand their rights.

Article 143 of the Labour Code states: "At workplaces where there are more than 30 female employees, an employer shall make an appropriate area available for mothers to breastfeed their children. A mother shall be allowed 15 minutes every three hours for breastfeeding."

Article 35 of the Children and Young Persons Code stipulates: "The State shall, through the relevant institutions and through employers in general, create appropriate conditions for maternal breastfeeding, including for women in prison."

Breastfeeding in the Faculty of Environmental Science and Technology

Breastfeeding is an ecological act. Mother's milk is a renewable resource, of which people are generally unaware. Mother's milk protects the environment by reducing consumption and eliminating waste and contamination.

It provides the best example of how humanity can support itself by providing the best and most complete source of food for human beings.

Breastfeeding in the Faculty of Administration

Maternal breastfeeding is the best possible investment. Families save by not purchasing infant formula, and spend less on hospital bills, because their children become sick less frequently if they are fed on breast milk.

Staff turnover is reduced at companies that provide support for maternal breastfeeding.

Absenteeism among men and women employees, due to the sickness of their children, is reduced. Breastfeeding increases productivity among men and women workers.

Breastfeeding within General Studies at UCA

Breastfeeding implies structural and social changes, intended to improve the status of women and allow men room to express tenderness, affection, and love, and to practice responsible fatherhood.

It helps build a culture of non-violence. It is an ethical issue, which throws traditional values and standards into question, and is part of human development.

## Article 6

(Abolition of the exploitation of women and girls)[10]

This chapter concerns States parties' obligation to formulate and implement measures to prevent and punish all forms of trafficking in women and girls and their exploitation through prostitution.

Male and female sex workers[11]

According to data compiled by the United Nations Children's Fund (UNICEF), several factors lead young women and men to become involved in prostitution in Nicaragua: low educational level, poverty, precarious lifestyle, overcrowding, family conflicts and large families.

"Prostitution represents the cruellest form of violation of one's rights, and it is increasingly clear that this is an act of exploitation being committed by adults against girls, boys and adolescents," affirm the UNICEF experts.

Other research on the subject has shown that the main causes of women's sexual exploitation are: rape at an early age, the influence of older girlfriends or failed love affairs.

In Nicaragua, there is a non-governmental organization called "Quincho Barrilete" which provides support for such women in the form of primary education, skills training, and instruction on sexual and reproductive health. An organization called TESIS also works in this sector promoting various

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[10] We are indebted to Dr. Josefina Ramos for her book "Gender discrimination in Nicaraguan law," 1993.
[11] Taken from the book "It's time to act," pp. 40-41, SNV and UNFPA.

activities intended to prevent women's sexual exploitation and safeguard their health.

Although Article 69 of the Children's Code prohibits owners and workers at bars, casinos, nightclubs and other similar establishments from having dealings with them, adolescent girls are often found in bars as clients or as dancers, and also in the roads outside at specific locations whose names are well-known.

This kind of work has severe consequences, since it exposes girls to street crime, emotional and physical disorders, sexually transmitted diseases, Aids and drug addiction. Many young women use the proceeds from prostitution to buy drugs.

In the past five years, the number of sex workers in Nicaragua has increased in step with the country's economic crisis. In most cases, women are becoming sex workers in order to survive.

The precariousness of their situation limits such women's ability to negotiate with clients over such matters as the use of condoms or sexual practices that involve major risk.

Both the Ministry of Health and a number of non-governmental organizations are working to inform and educate these groups about sexually transmitted diseases and HIV/Aids.

The existing laws dealing with this type of crime

Article 201 of the Penal Code states: "Anyone who in any way induces, promotes, facilitates or aids the sexual corruption of a minor aged under sixteen years is guilty of corruption, even if the victim agrees to participate in sexual acts or to watch them being performed." The penalty is from 4 to 8 years' imprisonment. The penalty may be increased if the crime was committed for profit or to satisfy the desires of a third party.

Procurement and pimping

Article 202 of the Penal Code, amended in 1992, is found in Volume II, Title I, Chapter IX. It provides for three types of offence:

- Establishing or operating places of prostitution or, for the purpose of financial gain, forcing another person either to enter and remain at a place of prostitution or to indulge in any other form of sexual intercourse, by means of physical or moral violence, abuse of authority, deceit or other forms of intrigue. The penalty is from 3 to 6 years' imprisonment.

- Promoting, facilitating or aiding prostitution for the purpose of profit or to satisfy another's desires, in which case the penalty is from 3 to 6 years' imprisonment. If the perpetrator is married to or living in a stable de facto union with the victim, a harsher penalty of up to 10 years becomes applicable.

- Sharing in the profits derived from prostitution while denying the victim's right to claim support, or enforcing the surrender of all or part of such support. The penalty is from 2 to 4 years' imprisonment.

Article 202 defines the crime of prostitution for the first time in Nicaraguan law: "Prostitution is the exercise of sexual relations for a price, between persons of the same or different sex."

Trafficking in people

Article 40 of the Nicaraguan Constitution expressly prohibits trafficking in all its forms.

The amended Penal Code of 1992 makes the following provision in Volume II, Title I: "Crimes against persons and their physical, mental, moral and social integrity." Article 203 of Chapter X, "Corruption, Prostitution, Procuring or Pimping, Trafficking in Persons and Sodomy," states that any one who "recruits or entices persons either with their consent, or by means of threats, offers, deception or any similar form of intrigue, to practise prostitution in or outside the Republic of Nicaragua, or brings persons to the country for that purpose" is committing the crime of trafficking.

## Article 7

(Political rights)

This section of the Convention obliges States parties to:

- Guarantee equality in the exercise of political rights, particularly in respect of voting and eligibility for election;

- Guarantee equality of access to public office in all public functions and at all levels of government;

- Guarantee women the right of free organization or to participate in non-governmental organizations concerned with the public and political life of the country.

The Constitution establishes that men and women have equal rights and responsibilities. Chapter II deals with political rights:

"Unconditional equality among Nicaraguans in the enjoyment of political rights is established. In the exercise of these rights and in the fulfilment of these responsibilities and obligations there exists absolute equality between men and women" (Art. 48).

The Constitution also states:

"The State shall eliminate the obstacles which de facto impede equality among Nicaraguans and their effective participation in the economic and social life of the country."

Women's participation in elections

In recent years, both male and female voters have been able to exercise this right by voting, thereby participating in the establishment of a democratic government and the realization of human rights in Nicaragua. Women have played a very significant role in politics, as seen by the considerable number of women candidates from the various parties; this shows that there is equal opportunity for men and women.

Women exercise their right to vote, account for the majority of voters and have also stood for election as presidents, vice-presidents, deputies to the National Assembly, mayors, deputy mayors and town councillors.

During the 1990 elections, it was women who mobilized support and managed the publicity and organization around the presidential candidates.

Young women were the driving force behind the success of the new electoral system.

It is well known that the role women played during the 1990 elections had an important and decisive influence in electing the party that governed until 1996, and also the one now in power.

According to a typical quote from the press coverage of the time: "Women have demonstrated their democratic beliefs by voting and by electing a woman to the presidency to represent all our widows, mothers and sisters. They have voted in the hope of achieving peace and to reconcile the whole country."[12]

In the past two decades, women have contributed actively to the process of democratization. The inclusion of the gender factor has changed the outcome of the Government's economic and social policies.

Women candidates in popular elections

Neither the Constitution nor the law discriminates against women's participation in politics, but there is no doubt that the number of women candidates is disproportionately low in relation to their presence in the overall population. However, women have taken a qualitative leap in establishing a more aggressive presence at the heart of the nation's public and political life.

This qualitative increase can be seen by the number of women competing for elected posts as deputies to the national and departmental assemblies, mayors, town councillors, vice-presidents, and others.

At the 1990 elections, two women stood for President; one was elected with 55 per cent of the popular vote and served until 1996.

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[12] La Prensa newspaper, 9 March, 1990.

In October 1995, the National Assembly elected the first woman Vice-President, following the resignation of the Vice-President of the Republic.

A total of 24 parties were represented in the 1996 presidential elections. One of the 24 candidates and one of the vice-presidential candidates were women.

At the 1996 general election the proportion of women deputies elected was quite high: 90 per cent of political parties include both men and women among their office-holders and alternates. Women occupy over 24 per cent (404) of all such posts and 17 per cent of elected posts.

Women accounted for 51 per cent of the 2,421,067 registered voters at the 1996 elections.

Women's participation in affairs of State

Legislative authority: Persistent ideologies and patriarchal values which limit women's participation have been weakened with the gradual increase in the number of women in the legislature; women accounted for 18.5 per cent of office-holders and alternates in the previous legislature, and less than 7.5 per cent in the current one.

By comparison with the previous election, in 1996 the number of women candidates for seats in the legislature increased to 27 per cent of the total for National Assembly deputies and 9 per cent of the total for departmental deputies.

In 1990, 10 of the 93 deputies in the National Assembly were women. Currently, women account for 20 per cent of the 92 deputies; they hold 7 fewer posts than in 1990. In 1993, Nicaragua had the highest percentage of women deputies in Latin America. Currently, elected women office-holders account for 11 per cent of the seats in the National Assembly.

In 1991, the women deputies established the Standing Committee on Women, Children, Youth and the Family, which represents major progress in responding to the demands and needs of these groups.

The women deputies are committed to developing legislation based on the real needs of the various sectors to which women belong.

Executive authority: The number of women in this area remains small. However, there have been women presidents, vice-presidents, ministers, deputy ministers, territorial representatives of the presidency, police chiefs and diplomats assigned to embassies and consulates abroad. Women hold 41 per cent of the mid-level posts in central government.

During the period 1993-95, there was a 50 per cent increase in the number of women (from 10 to 20) holding decision-making posts in the Ministry of Education; the two highest posts in this Ministry were held by women. The percentage of women in certain offices was higher (59 per cent).

According to 1994 figures, women occupied 31 per cent of all posts and 20 per cent of high-level posts in the Ministry of Construction and Transportation. The highest percentage of decision-making posts (60 per cent) was in the Department of Economic and Planning.

In 1994, women held 39.1 per cent of all posts and 16.3 per cent of high-level posts in the Institute for Agrarian Reform (INRA).

In the Ministry of Culture, women held the posts of Executive Director and Assistant Director, with the ranks of Minister and Deputy Minister, respectively. The leading managerial posts in this Ministry were held by women.

Women hold the posts of Executive Director and Assistant Director in the Nicaraguan Institute for Women (INIM); five of the Institute's department heads and the remainder of its professional staff are women.

During the period 1990-95 women held the following five portfolios: 1 Minister of Health; 1 Director with the rank of Minister in the Nicaraguan Institute for Women; 1 Director with the rank of Minister in the National Technology Institute; 1 president of the governing board of the national lottery; and 1 director of the Commission for Protection of the Rights of the Child. All of these were standing contributors to the Cabinet.

In 1997, a woman held the highest post in the Ministry for Social Action (MAS), now the Department of State for Social Action (SAS).

Armed forces: The percentage of women in the army fell from 0.08 per cent in 1985 to 0.05 per cent in 1990, then rose to 6.13 per cent by 1994. The highest percentage of women held the rank of lieutenant or officer, with almost equal percentages holding the ranks of second lieutenant and first lieutenant. The number of women army officers and specialists is increasing.

Because the armed forces' activities and functions are of a nature traditionally considered a male preserve, a certain percentage of women working there hold administrative posts.

National police force: The national police force has traditionally comprised mostly men. Currently, a series of related initiatives are being undertaken to further institutional development as part of a modernization process. The most important initiatives to date have been the incorporation of gender-based policies and the establishment of the Gender Advisory Board on 8 March 1996 by Decree No. 011-96. The latter's task is to study and analyse the situation of women working in the national police.

The national police have made significant advances throughout the country as a result of gender-based thinking; this will facilitate the work of women police officers on the basis of equal opportunities.

The National Police Gender Advisory Council has 39 members, only 4 of them men. One man is the commissioner-in-chief, 3 men and 1 woman are commissioner-generals, and the remainder, all women, comprise 2 commissioners, 7 deputy commissioners and 25 captains.

Composition and location of the female police contingent[13]

Out of a total of 6,209 staff members in the national police force, 1,186 (19 per cent) are women and 5,023 are men. Women comprised 16 per cent of the original staff complement. Thirty per cent of that group of women have served for 10-16 years, at an average of 15 years' service; women now also account for 20.6 per cent of all staff with 5-9 years' service, with the most experienced women having served 9 years, and for 18 per cent of the group with 1-4 years' service.

The following table shows the posts occupied by women:

| Post | Number | % |
|---|---|---|
| Cook | 245 | 99 |
| Operational records | 49 | 64 |
| Information and research | 47 | 73 |
| Police instructors | 56 | 13 |
| Frontier police | 69 | 6 |

The percentages for each post relate to the total for that post, and not the total number of police staff. As the table shows, women constitute the vast majority of staff working as cooks and in information and research. Women have also established a major presence (50-50 gender balance) in the areas of librarianship and operational records, the executive secretariat, personnel and public relations.

Women account for 35-49 per cent of the staff in the following sectors:

- internal affairs;
- public safety;
- safety of transport;
- police academy;
- criminology;
- general administration;
- national police headquarters;
- command posts.

In the following sectors, women account for less than 20 per cent:

- criminal investigation;
- financial and fiscal investigation;
- criminal laboratories;
- personal safety.

[13] Survey presented by Commissioner-General Eva Sacasa, Inspector General of National Police, 8 March 1997.

The following table shows the distribution of women holding higher-level posts:

| Number | Rank | % |
|---|---|---|
| 1 | Commissioner-General | 17 |
| 2 | Commissioner | 11 |
| 45 | Captain | 16 |
| 8 | Deputy commissioner | 11 |
| 225 | Lieutenant | 19 |

As regards academic qualifications, the following picture emerges:

| Number | Academic level | % |
|---|---|---|
| 65 | Graduate | 31 |
| 121 | Undergraduate | 10 |
| 250 | Baccalaureate | 29 |
| 62 | Basic cycle | 17 |
| 377 | Secondary grades 1-3 | 14 |
| 129 | Primary grade 6 | 22 |
| 61 | Grade 1-3 pass | 28 |
| 3 | Illiterate | 31 |
| 12 | Postgraduate | 75 |
| 1 | Intermediate specialist | 50 |
| 2 | Higher specialist | 67 |

Women's main achievements in the national police force are as follows:

1.(a) Appointment of women to a number of managerial and/or operational posts;

(b) Improved prospects for women to progress to national police headquarters;

(c) Appointment of a woman to a post at national police headquarters for the first time in Latin America.

2. Improved opportunities for women wishing to join the national police force.

3. Introduction of Offices for Women and Children in co-ordination with INIM.

Judicial authority: The percentage of women in this area has increased considerably. Women account for 14 per cent of Supreme Court judges; in the General Procurator's office, there were 3 women criminal prosecutors in 1981, 15 by 1986 and 31 by 1993.

In the appeals courts, there was 1 woman judge in 1979, 8 by 1985 and 24 by 1994. In the past decade, Nicaragua has had its first woman Supreme Court justice and its first woman police chief.

Electoral authority: Women account for 20 per cent of electoral officials. One of the five members of the Supreme Electoral Council is a woman, who is currently also the President of the Council.

Municipal governments: This is one of the areas in which women's participation is quite high. In the 1990 elections, 107 women were elected to the post of town councillor and 150 to that of alternate, corresponding to over 13 per cent and over 18 per cent of all such posts, respectively.

In 1994, 10 per cent of Nicaragua's 145 mayors were women; currently, there are 9 women mayors and 24 women deputy mayors.

The decrease in the percentage of women in the National Assembly has been compensated for by the fact that women hold more posts at the municipal level than before. While it is true that the number of women mayors fell in the most recent elections, the number of deputy mayors rose. Women account for 9 of Nicaragua's 145 mayors, 23 of its deputy mayors and 178 of its 777 town councillors.

Women's right to create entities that benefit them and to organize

Article 7 of the Convention refers to the State party's obligation to guarantee women the possibility to organize freely or to participate in any non-governmental organization concerned with the public and political life of the country.

In the early 1990s, a new type of organization - the non governmental organization - emerged in Nicaragua. Known as alternative centres, these organizations carry out actions to assist women in a number of areas, including training, the extension of revolving or unconventional credit, research, systematization of experience and project support. In the context of the progress being made towards a facilitating and guiding State in place of one with a purely executive function, women are able to continue exerting an influence on fundamental issues. According to Xantis Suarez, Deputy Co-ordinator of the NGO Federation, "the possibilities are there".

Non-governmental organizations, at both the international and local levels, have proved to be vital to the protection and promotion of human rights. The contributions they have made since their introduction go beyond the above-mentioned activities.

There are some 500 NGOs in Nicaragua working to assist women. A directory has been established which lists details of 239 such institutions and entities.

Among the best known are the following:

- CIAM;
- Mujer y Conciencia;

- CENZONTLE;
- CASAS DE LAS MUJERES;
- Puntos de Encuentro;
- CESADE;
- ALFALIT;
- PROFAMILIA;
- Mujer y Cambio;
- SI MUJER;
- ACJ.

The National Women's Coalition

On 8 March 1996, women belonging to 10 parties came together to form the National Women's Coalition, as the voluntary and unitary expression of the various ideologies and religious beliefs of many different Nicaraguan women, including the leaders of political parties and autonomous women's organizations.

The main objective was to promote women's equitable participation in the political tasks facing the country, so that they might use their own experiences of life in developing new ways to approach politics. This was the first attempt in Nicaragua to build a national consensus around common objectives, with differences being seen as a factor that can enhance collective awareness.

The National Women's Coalition also developed the so-called "Minimum Agenda" as a means of promoting women's participation in the electoral process. The Agenda, negotiated with most of the parties contesting the elections, succeeded in bringing to national attention a debate that had previously been confined to isolated groups of women. A series of initiatives was undertaken to publicize the Agenda, including press conferences, television and radio discussions, and press articles.

The climax of this campaign was a ceremony held on 13 August 1996, which was attended by three thousand women from all over the country. Women candidates and other women supporters of the Minimum Agenda publicly demonstrated their willingness to defend the consensus achieved by the National Coalition, over and above any ideological and political differences.

The Coalition's most significant achievement to date is that it has facilitated dialogue and political negotiation between women who in the past had not only been ideological opponents, but political enemies who at times actually fought on opposite sides during the armed conflicts.[14]

The Nicaraguan Women's Forum

The Women's Forum developed from the workshops on gender and leadership held by INIM during the period 1994-97. In 1995, a Women's Forum for a New Nation was held with support from UNDP. This new and organized expression of intent by Nicaraguan women resulted from their success in establishing a process in which

[14] Bolsa de Mujeres, March 1997.

negotiation and respect for differences united women from differing political ideologies, parties and social sectors.

The Association of Women Mayors and Deputy Mayors

INIM was also responsible for launching the Association of Women Mayors and Deputy Mayors; it has held a series of workshops designed to provide these local representatives of authority with the methodological tools to help them implement measures in the best interests of their communities and, ultimately, of women.

## Article 8

(Equality in public and political life at the international level)

This article concerns States parties' obligation to ensure equality of opportunity with regard to governmental representation at the international level, at all ranks and in all types of post.

Foreign affairs

In 1990, 34 per cent of Nicaraguan diplomats serving abroad were women; by comparison with previous years, the percentage of women in the intermediate and specialized grades of the diplomatic corps had increased. By 1994, the proportion had increased to 39 per cent. In 1997, the proportion of diplomatic posts abroad occupied by women was 21.4 per cent.

Nicaragua currently has 4 women ambassadors, the highest number in Nicaragua's history.

Women occupy 35 per cent of consul posts and account for 34.8 per cent of the counsellors having ministerial rank. In the Ministry of Foreign Affairs, 50 per cent of department heads are women; in addition, two higher-ranking officials (the Minister for Foreign Affairs and the Director-General of Protocol) are women.

## Article 9

(Nationality)

The States parties shall grant equal rights with men to acquire, change or retain their nationality.

In Title III of the Constitution "The nationality of Nicaraguans," Article 15 states that Nicaraguans may be nationals or nationalized persons.

According to Article 16, nationals may be children of a Nicaraguan father or mother, or persons born abroad whose father or mother was of Nicaraguan origin and who requested nationality on reaching the age of majority or of emancipation.

Although the Civil Code provides that "the legal existence of all persons begins at birth," only inscription in the population register confers entitlement to one's name and nationality, and the possibility of legally establishing one's true age and place of birth, the identity of one's mother, father or both, one's family relationships and the rights and responsibilities deriving from one's status as a Nicaraguan.

The law regards inscription in the population register as the duty of the parent considered to be the head of the family, and not as the right of a person on being born.

In the Children and Young Persons Code approved in 1996, Law No. 287 states (Art. 13, "Nationality and name at birth"): "Male and female children shall, from the moment of birth, have the right to nationality in accordance with the requirements and procedures laid down in the Constitution and the relevant laws, and to have their own name, to know their mother and father and to be looked after by them."

The State shall respect the right of children and adolescents to retain their identity, including their nationality, name and family relationships, in accordance with the law.

On no account may a child or adolescent be deprived of his or her identity. Should he or she be deprived illegally of one or all of the elements of his or her identity, the State shall guarantee the assistance and protection required in order to restore them.

Children shall be entered in the register of births within the time limit specified by law. The State shall guarantee speedy and easily accessible inscription procedures and shall issue the initial birth certificate free of charge.

## Article 10

(Equality in education)

The States parties shall adopt appropriate measures to eliminate discrimination against women in order to ensure for them equal rights with men in the field of education and in particular to ensure conditions of equality between men and women.

Title VII, Article 116 of the Constitution states: "The objective of education is to offer the Nicaraguan a full and integral training that equips him with a critical, scientific and humanist awareness, develops his personality and sense of personal dignity, and prepares him to take on such responsibilities of common interest as national advancement requires; consequently, education is a fundamental element in the transformation and development of the individual and of society."

Although the Constitution makes no mention of specific education for women as a matter of priority, the Ministry of Education (MED) has been attempting to

increase women's participation; progress, though slow, has been significant. Attendance has risen, with more than 50 per cent of women and girls having access to the four levels of education in the country. It is also important to note the change of attitude within Nicaraguan society, which now recognizes that, as women become more qualified, they are better able to play an integral role in the development of society via the labour market.

The MED's policies since 1990 have been geared to the gender oriented approach now regarded as one of the basic requirements for achieving full and integral personal development.

Adult education

According to the latest survey carried out by the Nicaraguan Institute for Statistics and Censuses (INEC), illiteracy rates are higher among women, but, paradoxically, the dropout rate for females at the primary level is only 16.3 per cent as compared to 29.4 per cent overall.

The situation in the countryside can appear contradictory when analysed using urban models, without taking into account the specific problems of rural areas. Illiteracy in these areas has increased enormously, since secondary-level instruction is non-existent there.

As noted earlier, functional illiteracy has increased significantly. The MED has taken the following steps to deal with this problem:

- Revision or amendment of curricula and issue of new teaching material;

- In 1992, 5,500 teachers and 90 municipal helpers, all volunteers, were trained in literacy and basic adult education. In 1993, the numbers rose to 7,400 and 114, respectively;

- In 1993, 6,143 volunteer teachers were offered material and economic incentives.

The MED's Adult Education Department serves the young and old economically active population aged between 15 and 60, and gives priority to single mothers, housewives and female workers and heads of household under a project named the "Literacy Programme for Mothers of Pre-school Children in the Community," whose objective is to provide these groups with a "passport for life" by teaching them to read and write.

The Ministry of Education, Culture and Sport, through its Department of Adult Continuing Education, places particular emphasis on women at all levels of society in its educational policies. Its literacy and basic education programmes offer study opportunities with the potential to change women's lives, both from the economic and social perspective.

The enrolment figures in this field suggest that women are steadily taking up adult education. In 1998, 28,259 women registered for the various options, which constitutes 48.3 per cent of the national total.

The "Literacy Programme for Mothers of Pre-School Children in the Community" now extends to 11 municipalities in departments of the Pacific Zone; 2,475 mothers are taught by 290 volunteers, of whom 80 per cent are women.

It is important to emphasize that women play a major role in managing and promoting adult educational programmes at the central and departmental levels.

Secondary education

The following table shows the initial enrolment figures for 1998 in the different secondary schemes:

| Scheme | Total students | Women students | % of women |
|---|---|---|---|
| Daytime | 227,991 | 124,916 | 54.9 |
| Evening | 42,960 | 19,997 | 46.5 |
| Secondary distance-learning | 16,525 | 9,356 | 56.6 |
| Mature student baccalaureate | 335 | 203 | 63.0 |

Source: Ministry of Education, 1999.

Secondary education has brought women the following achievements:

- Greater possibilities for women wishing to take the mature student baccalaureate intended for adults aged over 18;
- Greater participation by women in curriculum development;
- Most teachers are women;
- Women now receive better training and qualifications;
- Equality of opportunity exists in the various secondary schemes.

It should be noted that educational texts have been changed in order to reflect new perceptions of the family's role, equality between men and women, aspects of personal dignity and self-esteem, and marital responsibilities. All these themes are reflected in the syllabuses of the natural sciences, social sciences and civics programmes.

Statistical data on the education sector

Statistics compiled recently for the period 1992-98 in the light of research carried out by the MED/UNESCO/SIMEN Project and the Department of Statistics reveal the following;

- A progress rate of 83.3 per cent for both sexes in secondary education (88.4 per cent for females and 83.8 per cent for males);

- An overall pass rate of 69.3 per cent (71 per cent for females and 67.3 per cent for males);

- A total retention rate of 86.2 per cent (88.3 per cent for females and 83.7 per cent for males);

- 90 per cent of those trained are females;

- 85 per cent of the country's future teachers are females aged between 15 and 18;

- 85 per cent of secondary learning centres have female directors;

- 90 per cent of the teachers in the 16 departments and the 2 autonomous regions (South Atlantic Coast Region and North Atlantic Coast Region) are women;

- In urban areas, the daytime secondary programme reaches 78.6 per cent of the student population. Approximately 90 per cent of all secondary students belong to urban areas and only around 10 per cent to rural areas. Females account for fifty five out of every hundred enrolments;

- The pass rate among the 9.3 per cent of secondary students living in rural areas is slightly better than in urban areas. The retention rate in rural areas is 87.5 per cent (89.4 for females and 85.3 for males), while the total pass rate is 72.1 per cent, of whom 73.6 per cent are females;

- Four of the country's eight teacher training colleges are headed by women;

- 50.4 per cent of the population are women;

- The proportion of the population whose mothers have studied is 5.5 per cent (the majority of those children being female).

Technical training[15]

The National Technological Institute (INATEC) was formed in 1991 to provide guidance on occupational training. As an institutional policy, INATEC devises and implements special programmes focusing on women; for this purpose a specific department has been set up within INATEC's special programmes directorate in order to promote strategies that will enable women to enjoy equal training opportunities and give them greater access to the labour market.

INATEC has six permanent training centres located within different departments offering training in various techniques and methods relating to the three main branches of the economy.

[15] Document produced by the INATEC Office for Women's Training, 1999.

INATEC has revised the curriculum at its 33 training centres, introducing gender identity training to each of the technical options available to young men and women who have left secondary education; this provides women with another opportunity to join the labour market on equal terms with men.

Office for Women's Training

The Office for Women's Training runs a programme of gender-oriented training activities designed to raise the awareness of the various groups involved in training (instructors, methodologists, planners), which calls for specific methods. The three main planks of its nation-wide strategy are:

- Integration of a gender-oriented approach into INATEC's technical training programmes;

- Awareness-raising among the various groups involved in occupational training;

- Education and training.

Those three considerations inform the activities of the Office for Women's Training, which fall into the following categories:

- Promotion, monitoring and evaluation of courses and projects;

- Gender, methodology and dissemination;

- Research.

Promotion, monitoring and evaluation of courses and projects

This area comprises traditional and non-traditional training activities and business administration for unemployed and partially unemployed women.

Gender, methodology and dissemination

This area of work concerns the planning and implementation of workshops on gender issues, awareness-raising at different levels and the promotion of programmes that provide information and vocational and occupational guidance; the aim is to help the beneficiaries discover new skills and interests, in accordance with the motto: "Occupations have no gender; women and men can learn any career."

Research

This mainly concerns the forecasting of training requirements and the gauging of potential for integration into the labour market.

General objective of the Office for Women's Training

To promote women's participation in technical training so that they can obtain access to the labour market on the basis of equal opportunity.

Activities

The programme targets geographical areas (urban and rural sector) which contain large concentrations of unemployed women, peasant women, single mothers, female prisoners, and young women at risk.

The training concentrates on micro-enterprise creation, with a view to helping women start their own enterprises, production workshops or services as an alternative to unemployment; credit is granted at monthly interest rates as low as 1.5 per cent.

Surveys are undertaken in order to determine women's situation, training needs, and their options and requirements in the labour market.

INATEC offers the following training courses:

Non-traditional occupations: industry; metalwork and mechanics; farming; guidance on starting a micro-enterprise.

Traditional occupations: textiles and clothing; beauty consultancy; gender identity training.

INATEC has formulated a programme geared towards young women which:

- as an institutional policy promotes technical training for young people, especially young women, in order to give them greater access to the labour market;

- takes into account, in the formulation of policies, the requests of the beneficiaries, as determined through regional surveys carried out by INATEC; the main request is for technical training for young women that will enable them to find employment.

The objectives of the programme are to:

- Provide technical training for women so that they can obtain access to the labour market;

- Contribute through a specific gender-oriented methodology to the training of women and their integration into the development process;

- Provide managerial training for women;

- Provide credit to women as part of the policy of generating employment through the establishment of their micro-enterprises.

INATEC takes into account the economic problems affecting Nicaraguan women, most of whom are heads of households with no job. In order to survive they turn to the informal sector, mostly in the areas of trade and services. Through the Office for Women's Training, which is a governmental body, INATEC is implementing a project called "Enterprise creation for young women," which is intended as an alternative means of job creation for women.

During the period 1996-97, 14 micro-enterprises concerned with productive activity, trade and services were set up, creating 30 jobs directly and leading to training for 120 women in fields including marketing, computer operating and accounting.

The effectiveness of the first project led to a second phase in which 98 women received technical and business training. That project has attracted an alternative source of credit, which is supervised by the Nicaraguan Association for the Development and Support of Micro-enterprises (ANDAME).

During the period 1997-98, the European Union funded a programme for young women, under which five projects were implemented - three by NGOs and two by governmental institutions.

University education

In 1991, 51 per cent of the 30,733 students enrolled at universities were women. At the National Autonomous University of Nicaragua (UNAN) the most popular course among women was medicine (61 per cent of enrolments). In 1992, the most popular course among women was agronomy (63.6 per cent), followed by architecture (57.6 per cent). Since then, no further data on admissions have been available.

In 1998, women occupied four of the seven senior management posts at the University Students Council of the University of Central America (CEUUCA). These were the Vice-chairperson and the three officers responsible for international relations, culture and voluntary contributions, respectively.

Women also occupied seven of the twelve administrative posts relating to courses: veterinary science, communications, business administration, environmental studies, law, the scholarship programme and law faculty treasurer.

The three representatives of the law faculty of the University of Central America (UCA) to the Central American Federation of Law Students are women: a representative, a vice-representative and a committee member.[16]

It is important to note that the proportion of women enrolled in university has risen from 50 per cent of total enrolments in 1975 to more than 70 per cent currently; the number of women enrolled in what have been traditionally considered women's courses has dropped while enrolment has increased in such areas as law, medicine and engineering.

This shows that the universities' educational policies promote equal opportunity for men and women.

The university system took an important step by including gender in its curriculum, with a view to promoting awareness of women's issues among both male and female students, and by developing it as a topic for theses and essays.

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[16] Source: CEEUCA, November 1998.

It also bears mentioning that both UCA and UNAN have organized postgraduate gender studies for men and women in order to raise levels of professionalism in gender-oriented careers. Women working as researchers, university teachers, activists and upper management and professionals in governmental and non-governmental organizations have undertaken such studies. This step was the result of the work of a group of women teachers who were members of the UCA committee on gender.

At the University of Central America, gender studies have been included in communication sciences, law and humanities (social work, psychology and sociology).

Talks and lectures on breastfeeding have been provided for teachers, students and other staff at UCA.

Gender-related topics in social science:

- gender and power;
- gender and social work;
- gender, family and society.

In general studies:

- gender and development;
- attitudes to gender;
- the Western viewpoint in anthropology and sociology;
- science and culture in the modern world.

In law:

- the individual and the family.

Research

In this section it is important to note the influence of the women university lecturers, professionals and specialists who have carried out research on women's issues such as abuse, violence, laws that discriminate against women, the effect of adjustment policies, strategies adopted by women in response to the various development models, methods of training women, the evaluation of gender-based projects, the organization of projects of benefit to women, etc.

This has all led to the publication of a great variety and number of documents on women's issues, which are available at the Centre for Documentation on Women (CEDIM), at university and government documentation centres, and through NGOs.

## Article 11

(Equality regarding employment and work)

Article 11 obliges States parties to ensure, on a basis of equality of men and women, the same rights, including:

- the right to work;
- the right to the same employment opportunities;
- the right to the application of the same selection criteria in matters of employment;
- the right to job security;
- the right to social security and other work entitlements.

Title VII, Chapter I of the Labour Code, "Women at work," makes the following provision:

Article 138 A female employee shall enjoy all the rights guaranteed by this Code and by other relevant laws with regard to equal conditions and opportunities, and shall not suffer discrimination on the grounds of sex. Her salary shall be commensurate with her skills and the post she occupies.

Article 139 In the case of women with family responsibilities, the laws, collective agreements and internal regulations shall make provision, in accordance with the nature of the duties performed, for the introduction of shorter working days or part-time work.

Chapter II of the Labour Code concerns maternity protection for female employees.

Article 140 Employers shall not allow pregnant women to continue performing tasks that may be harmful. In such a case, the employer must provide work that will not affect the pregnancy, at a salary not less than the one the employee normally received prior to her pregnancy. When the employee returns to work, she must be restored to her previous post, at the current salary.

Article 141 Pregnant employees have the right to take leave for four weeks prior to the birth and for eight weeks afterwards (ten weeks in the case of a multiple birth), and to receive their most recent or a better salary during that period, without prejudice to the medical care they receive from the social institutions whose task it is to protect maternity. The period of leave shall count as time worked for the purposes of calculating retirement pensions, regular leave entitlements and the thirteenth-month bonus.

Article 142 In order to determine the starting-date of paid maternity leave, the employee shall provide her employer with a medical certificate stating the expected date of birth. The Ministry of Health issues the certificate free of charge.

Article 143 An employer shall make appropriate seating available for breastfeeding. At workplaces where there are more than 30 female employees, the employer shall carry out the alterations or construction work necessary to provide a room for breastfeeding.

An employee is allowed 15 minutes every three hours for breastfeeding during the working day; these breaks count as time worked.

Article 144 An employee who is pregnant or who is on maternity leave either before or after the birth cannot be dismissed expect for reasons previously found acceptable by the Ministry of Labour.

The situation of women in the employment field

The question of women's social and economic rights can not be considered without reference to the effects that structural adjustment policies and globalization are exerting on the poorer countries. The situation is complicated by the fact that development models have not taken into account women's circumstances; they do not allow for the existing inequalities between men and women.

Since development models disregard the gender factor, they inevitably limit women's social and economic rights in all the areas concerned.

Women living in poverty, beset by innumerable problems and heavy household responsibilities, have little time to take advantage of any economic and social opportunities the State may offer them.

The Government of Nicaragua attaches priority to promoting national programmes designed to redress the social disadvantages suffered by women. These programmes include work incentives, funding for productive activity, and policies enabling women to gain access to land and the means of production.

Employment The proportion of women in the workforce has been increasing in recent years, reaching 43.3 per cent of the total in 1994. As in other Latin American countries, Nicaragua's female economically active population lives in urban areas. Whereas in the past women were regarded as a "reserve" to the "productive work" done by men, there has now been quite a significant increase in the number of women engaged in such work.

Women's access to the labour market has been limited by the relaxation of the laws relating to terms of employment; the latter have deteriorated and competition has intensified in the areas traditionally dominated by women.

Women's employment is now concentrated in the service sector and in industrial activities such as assembly work. This kind of work is not new to Nicaragua, where there was once a free zone producing clothing, in which women constituted a large percentage of the workforce. This type of work is now part of a strategy the Government has adopted in the context of globalization, with a view to invigorating the economy.

Paid work for women is becoming increasingly hard to find. The number of women in both the formal and informal sectors of the economy has declined as they are displaced by men.

Women's access to the labour market is further hampered by their reproductive responsibilities, which oblige them to take work that can be done indoors (operating small stores, preparing and selling nacatamales, tortillas, etc.) but which generates little income.

The freeing of markets and the removal of price controls have made women's lives more difficult. One of the most serious problems they face is access to family staples. They have dealt with this situation by devising survival strategies to support and maintain the quality of life of their families.

## Article 12

(Equal access to health care)

This article obliges States parties to take all appropriate measures in the field of health care in order to ensure, on a basis of equality between men and women, access to health services, including those relating to family planning.

Notwithstanding the provisions of the above paragraph, States parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Life expectancy for Nicaraguan women has increased from 59.8 to 66.2 years during the past decade. Cancer (of the cervix, the breast, etc.) is the most common cause of death among women, accounting for 58.9 per cent, followed by perinatal problems (haemorrhage, post-partum, toxaemia during pregnancy, and other unspecified obstetrical problems), with 41.2 per cent and, in third place, accidents, with 22 per cent.

With regard to women's primary health care, 82.5 per cent of cases are treated on an outpatient basis, which is the result of a policy of comprehensive health care.

The right of all Nicaraguan citizens to equal health care is set out in article 59 of the Constitution. That right has been affected by the various economic measures undertaken in the context of structural adjustment and globalization.

National health policy is the responsibility of the National Health System and provides for the consolidation of the local systems of comprehensive health care (SILAIS), which operate across the country.

There is one specialized women's hospital, Casas Bases, with female staff offering disease-prevention and prenatal-monitoring services.

It is also important to point out the services being rendered by women's alternative health centres, found throughout the country, in the areas of women's sexual and reproductive health, as well as domestic violence as a public health problem.

These centres typically promote and nurture participatory doctor-patient communication and relationships based on solidarity, in keeping with their strategies and objectives.

Generally, workshops, seminars, discussion groups and educational sessions are organized for patients who seek health care in the centres.

Nicaragua has many private clinics and women's centres offering women alternative sexual, reproductive and maternal health services. Even so, the overall level of provision is insufficient, given the large female population.

## Article 13

(Other areas of economic and social life)

Article 13 calls on States parties to take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- the right to family benefits;
- the right to obtain bank loans, mortgages and other forms of financial credit;
- the right to participate in recreational activities, sports and all aspects of cultural life.

Access to credit Access to credit in rural areas is very limited, since rural women rarely possess the fixed assets and resources that can be used as collateral.

Only 13 per cent of those who receive credit are women, equivalent to 4,957 borrowers at the national level. Credit for women is targeted at very specific programmes and women play no significant role in agricultural programmes.

For the most part, women have obtained loans from credit institutions outside the conventional sector. Generally speaking, the national financial sector does not grant credit to women and the percentage of women receiving credit from this source is very small.

With regard to credit in urban areas, the Banca Financiera supports women who are self-employed. In 1994, 56 per cent of the clients having access to credit were women. Nevertheless, a higher percentage of women receive credit from non-governmental organizations.

A study carried out in 1998 and published in 1999 confirmed the absence of credit policies that target women. Access to credit is regulated by the laws of the market.

The study confirmed the basic differences between male and female customers in the credit market. The uniform criterion applied both by the national financial sector and the NGOs was that the sex of the borrower should have no effect on decisions to grant credit - only project feasibility counted.

Credit from the national financial sector mainly goes to medium to large-sized businesses whose legal representatives are men.

The credit offered by the alternative entities is taken up for projects run by small and micro-enterprises; 70 per cent of their representatives are women involved in trade and services of an informal nature.

The typical female beneficiary is older than 30 and experienced in business; she borrows in an individual capacity, has low academic qualifications and is already involved in the informal financial services market.

As there is no motivation for female borrowers to save, no attempt is made to promote the possibility of building up the capital resources that might reduce the demand for funding.[17]

The non-conventional credit offered by NGOs is helping to improve women's situation in Managua, and thus it may be supposed that access to credit improves their living standards. This shows that access to non-conventional credit can offer a highly important development opportunity for women.

It is important to note that the organizations offering non-conventional credit are concerned with providing an alternative means of survival to men and women who, for the most part, are unemployed; women are the major beneficiaries.

The Constitution does not restrict women's access to credit. It is important to note that women's traditional failure to receive credit has nothing to do with any legal provision.

Neither do the regulations of the private and State banks in the formal sector impose any such restrictions. However, the high proportion of women now receiving and requesting credit provides indirect proof that the formal institutions have prevented them from receiving credit in the past.

## Article 14

(Rights of rural women)

"The States parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic

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[17] "Young women and credit in Nicaragua," 1998, Barreto, Ximena.

survival of their families, including their work in the non-monetarized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas."

The situation of rural women in Nicaragua differs greatly from that of men. There are glaring inequalities and gaps as regards opportunities and access to resources and services, which have been geared to the concept of "male production".

Despite that situation, significant steps have been taken to increase rural women's participation in the economy and to make their economic contribution, within the family, the community and at national level, more visible and highly appreciated.

As a result of this new approach, rural women are demanding public and private services better suited to their needs, and are gaining greater access to agricultural and forest resources.

The Inter-institutional Committee for Women and Rural Development (CIMYDR)

CIMYDR was established by Decree No. 57-97 published in Official Gazette No. 198 of 17 October 1997.

The Government considered there was a need to create a co-ordinating body on which all the governmental and non-governmental organizations implementing programmes to assist rural women could be represented. INIM supervises the Committee's activities. The First Lady of the Republic is an honorary member.

Right to own property

The Institute for Agrarian Reform (INRA) and INIM have been working since 1990 to promote women's right to own property. Currently, 16.3 per cent of women own land.

As a matter of institutional policy, an awareness campaign was undertaken among the beneficiaries as well as among INRA experts to give women first right of ownership of the lands which they were farming. Titles have been transferred to women either in their capacity as heads of household or as partners, in which case the titles are held jointly.

INRA's technical assistance and technology transfer service has brought improvements in women's productivity; the service operates on the basis of time available and the requirements of the women concerned.

Women's low share in the production of basic grains (12.5 per cent) reflects the fact that credit policies have given priority to agricultural exports, which restricts women's access.

Since becoming a landowner enables women to resolve the problem of having no access to funds, INRA's land policy has strategic importance in the context of women's right to own productive resources.

In 1997, Law No. 209 on stability of ownership was amended by the inclusion of a new article 32 providing for title ownership by couples. This has extended women's access to property titles. Legislation permitting title ownership by women is in preparation.

A study involving 321,000 rural households carried out by FIDEG found that only 32 per cent owned a piece of land. Women accounted for 13 per cent of that number, men 68 per cent, couples 3 per cent, and other forms of ownership 16 per cent. Seventy-one per cent of the women owned a plot up to 5 manzanas in size [1 manzana = 1.73 acres], and only 5.5 per cent owned productive land larger than 50 manzanas.

From 1990 up to May 1997, INRA's policies benefited 38,654 people, of whom 10,042 (26 per cent) were women.

Nicaraguan Institute for Agricultural Technology (INTA)

One important achievement of this Institute has been the establishment of the Gender Unit, whose mission is to orientate, coordinate and systematize the process of introducing a gender-oriented approach in the development and transfer of agricultural technologies.

The Gender Unit also works closely with the National Gender Team, whose task is to support the systematization of experiments in this area carried out in various parts of the country.

The Gender Unit has drawn up a complete plan aimed at benefiting rural women which supports specific policies and programmes, and is based on two strategies:

- Strengthening the capacity of the institution to analyse and introduce a gender-oriented approach;

- Supporting action aimed at improving the status and condition of its clientele, regardless of gender.

The objectives of these strategies are to:

- Promote the appointment of more women to technical, professional and managerial posts;

- Train staff and conduct gender-oriented analysis within the institution;

- Establish a data bank and a system of statistical information broken down by gender;

- Conduct research on the adaptation and validation of alternative technologies in order to improve the output of women's work.

## Articles 15 and 16

(Civil, marital and family rights)

States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure conditions of equality between men and women.

### Rights of the family

Article 70, Chapter IV of the Constitution states that the family is the fundamental nucleus of society and has the right to protection by society and the State.

Article 71 states that Nicaraguans have the right to form a family. Family estate may not be seized and is exempt from all public burdens, as provided and protected by law.

Article 72 states that marriage and de facto stable unions are protected by the State; they rest on the voluntary agreement between a man and a woman, and may be dissolved by mutual consent or by the will of one of the parties, as provided by law.

Article 73 states that family relations rest on respect, solidarity and absolute equality of rights and responsibilities between the man and woman.

Parents must take care to maintain the household and bring up their children through their joint efforts, with equal rights and responsibilities. The children must respect and help their parents. These rights and duties are to be observed in accordance with the relevant laws.

### Law on relations between mother, father and children

In Nicaragua, paternal authority is defined in Chapter IV, Title III of the Civil Code entitled "Paternity and affiliation." Article 15 of the Law on relations between mother, father and children provides that in all the existing legislation, the term "paternal authority" shall be taken to mean "relations between mother, father and children."

The Law on relations sets out the rights and responsibilities of each of the parties. Article 1 obliges fathers and mothers to:

- provide food, clothing, accommodation and the general material resources needed to provide for their children's physical development, health and formal upbringing;

- ensure their children's good conduct and foster their development, decision-making capability, sense of responsibility and participation in domestic work, and prepare them for a socially useful role;

- represent their children legally and in other ways, and manage their possessions.

Law establishing the Ministry for the Family

On the basis of paragraph 5, article 141, of the Constitution, the Ministry for the Family was established to further the family's interests.

In this regard, part of the explanatory preamble submitted to the National Assembly states:

> "The State recognizes that the family is a natural institution constituting the fundamental nucleus of society, and that its development and stability depend crucially on the State's solemn responsibility to protect it and to ensure respect for and advancement of its natural and inalienable rights.
>
> The basis of the family is the couple, a man and woman joined by bonds of love in a noble, faithful, stable and permanent relationship that promotes their secure personal development and also that of their offspring and of other family members. The State recognizes that the task of a couple united by this bond is to create a community based on love and procreation; accordingly, every person has the right to form a family with a person of the opposite sex and, through that union, to beget children and look after their upbringing and education, in accordance with their own chosen cultural, ethical, moral, and spiritual values."[18]

The Ministry for the Family was established by Law No. 290, entitled: "Act defining the structure, competence and procedures of the executive branch."

The Ministry for the Family has the following tasks:

- To promote and defend the institution of the family, through social programmes that target the most vulnerable sectors;
- To devise and implement policies designed to deal comprehensively with the situation of handicapped and abandoned children;
- To devise and implement policies designed to provide young people with a comprehensive understanding of the attitudes and values that will enable them to understand and experience their sexuality in human dignity, thereby preparing them for responsible parenthood;
- To devise and implement policies and actions designed to encourage couples living in de facto stable unions to formalize their relationship through marriage;
- To promote and defend life, from conception to a natural death.[19]

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[18] Bolsa de mujeres, 1997.
[19] Official Gazette, No. 102, June 1998.

In recent times, the recognition of domestic violence, specifically against women, as a violation of the right to life and the right to security of person has been a growing concern in Nicaragua.

Achievements that benefit Nicaraguan women[20]

- A new openness on the part of the Government in discussing and condemning domestic and sexual violence, as shown by INIM in creating the Women's Centres, thereby endorsing the provisions of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women;

- These centres have provided Nicaraguan women and children with a professional body which recognizes their rights and offers expertise in all cases of rape and physical abuse, as well as in other areas;

- The results to date have led the Government of Nicaragua, civil society, the judicial authority and external partners to support the extension of this project to other areas of the country, such as Esteli, Matagalpa, Masaya and Granada;

- The establishment of the National Assembly's Standing Committee on Women, Children, Youth and the Family;

- The elaboration, by consensus between the Government and civil society, of a National Plan for Women, which will serve as a focal point for the branches of government in addressing the topics of education, labour and violence against women;

- The elaboration of a draft curriculum incorporating a gender perspective in teacher training in the national education system, such as in the process of analysing the design of sex-education manuals;

- The integration of the gender perspective into strategic planning in the National Development Plan, with emphasis on the Government's social agenda;

- With regard to legislation, major progress has been achieved in substantive law, namely, the formulation of laws to protect women, children and the family, although they have not been accompanied by changes in procedural law;

- The inculcation, albeit still in the early stages, of issues relating to women and gender in the academic community;

- The emergence and cohesion of the women's movement and, as a result, the creation of various types of alternative services for women at the national level; and

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[20] INIM, Official Report of the Nicaraguan Government to the Fourth World Conference on Women, 1995.

- The proportion, though still limited, of high-level posts which women have acquired in, inter alia, various branches of government, political parties, local councils, guilds and trade unions, which constitutes a huge stride for women.

Constraints to which Nicaraguan women are subject

- The fact that most laws do not take women's rights into account;
- Limited access to technical training and to formal and informal education;
- The small percentage of women in managerial and decision-making posts;
- Low participation by gender-sensitive civil servants (male and female) in decision-making at all levels;
- Lack of protection and legal justice for most women;
- Access to only low-paid jobs;
- The fact that women account for the majority of the unemployed;
- The existence of inappropriate, anachronistic and discriminatory laws, giving rise to institutional injustice;
- Widespread belief that the socially accepted roles of women and men are normal;
- The fact that civil servants, both male and female, are virtually uninformed of and insensitive to the commitments undertaken by the Government of Nicaragua with regard to women;
- The processes of drafting and implementation of the law, which perpetuate discrimination against women;
- Ingrained attitudes which reproduce the socio-cultural model in the family, education and the media;
- The underdeveloped and unequal participation of civil society in public affairs and administration.

## Conclusions

As can be seen from the information given above, Nicaragua is a country with an extremely young population; more than 80 per cent are under 40 years of age and women account for more than 50 per cent of the total.

The Convention on the Elimination of All Forms of Discrimination against Women is the leading international instrument on women's rights in existence at this time; these rights are incorporated in the Nicaraguan Political Constitution for the benefit of women, which puts Nicaragua in a privileged position world-wide.

Nicaraguan legislation has favoured women by establishing governmental bodies and women's centres that provide services specifically for women. With the international community's recognition of women's rights as part of human rights, Nicaragua has made a commitment to continue promoting progress towards achieving women's full legal equality.

The progress and achievements for women embodied in the Constitution can be attributed to the fact that women experts participated in its reform with a view to helping Nicaraguan women.

The foregoing demonstrates that, although efforts have been made to achieve equity between men and women, the situation of women in Nicaragua is still characterized by levels of poverty and discrimination which violate their human rights and prevent them from becoming economic agents of national development.

Laws are merely an instrument to guarantee citizens' rights; in the case of women, they do not always guarantee that women will contribute to national development. A representative of the Secretary-General of the United Nations observed in a document that one of the greatest barriers to world development was the failure to involve men and women in the development process itself, adding that development would not be effective unless women were included in the process of planning programmes and projects for their own benefit.

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